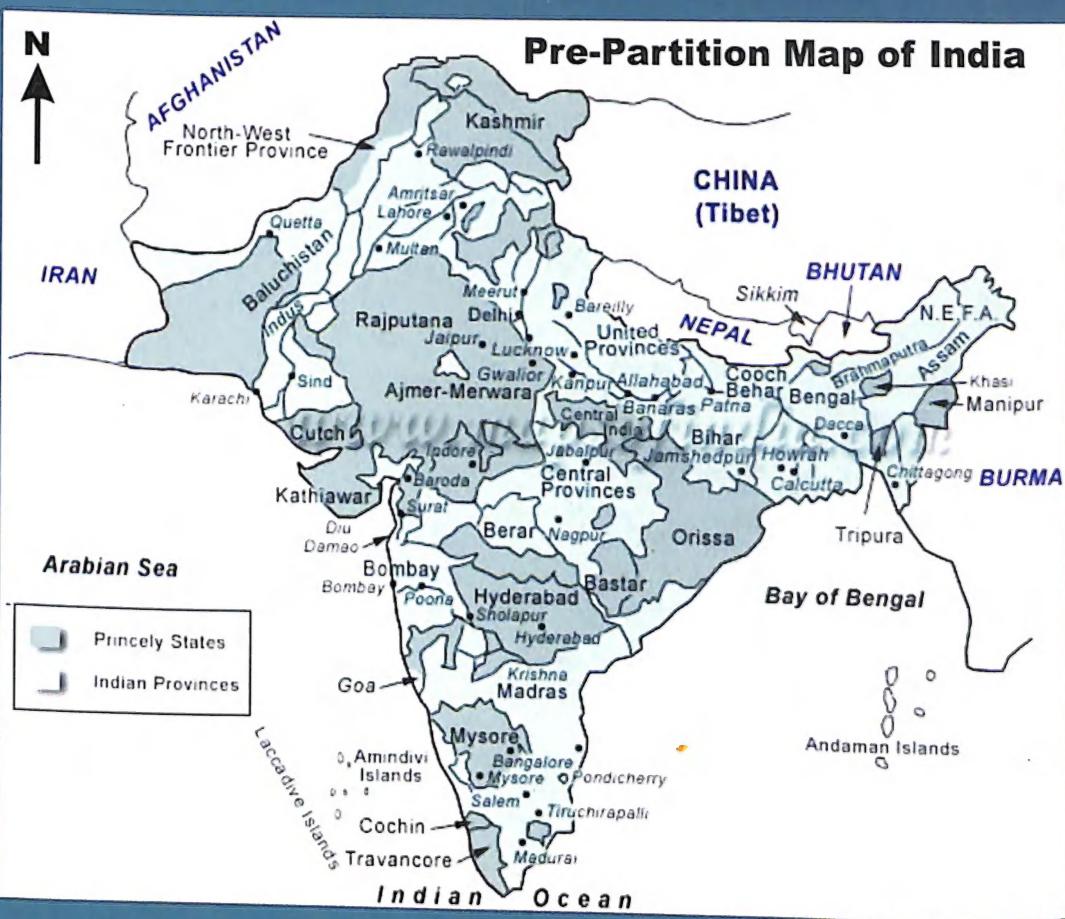


CHINA

# KASHMIR AND THE PARTITION OF INDIA

TIBET

Dr. Shabir Choudhry









# KASHMIR AND THE PARTITION OF INDIA

The politicians and the personalities involved in the partition of India, particularly in relation to the position of Kashmir at the moment of independence on 15<sup>th</sup> August 1947.

Dr Shabir Choudhry

An enlightening journey  
of knowledge and awareness  
For those who seek reality  
Lie facts step by step

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Author : Dr Shabir Choudhry  
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Phone : 05827-484874  
Mobile: 0344-5663443  
Email: [niks.mirpur@gmail.com](mailto:niks.mirpur@gmail.com)  
Skype: mohammadsaeedasad

Distributor: Royal Institute of South Asian Affairs(RISAA)  
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Ilford  
London (UK)  
IG3 8NZ

Phone: 0044 (0)7790942471  
Email: [drshabirchoudhry@googlemail.com](mailto:drshabirchoudhry@googlemail.com)  
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Dr Shabir Choudhry, London



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## Abstract

The Partition of India is still an interesting topic for history Scholars and ordinary people alike. The Kashmir dispute, which is the legacy of the British Raj and the partition, is equally, if not more interesting. A lot has been written on these topics but some aspects still require detailed research. This work examines the partition of India, and elucidates it from a different angle, with special emphasis on the State of Jammu and Kashmir.

The Indian independence Act was ambiguous about the future status of the Princely States .Jinnah, for the Muslim League, supported by the Cabinet Mission's Memorandum on the Princely States, claimed that the States had a right to independence. The Congress, particularly Nehru, contested this and claimed that India had a right to fill the vacuum left by the British.

The Legal Status of the Princely State of Jammu and Kashmir was a matter of controversy at the end of the British Raj, and still is. This work endeavours to delineate the legal position of Kashmir on 15<sup>th</sup> August 1947. In doing so, the position of the Princely States in the British Raj in India is explained, and then the process of independence and partition is thoroughly examined. The role and position of Mountbatten was crucial in the whole mater; special attention, therefore, is paid to him. There were other important people like Nehru, Patel, V.P. Menon, Jinnah, Liaquat Ali and Radcliffe; their roles are also explained and analysed.

The work looks in detail at the politics of Kashmir from 1931 to 1947. The Maharaja did not want any politician from British India to visit Kashmir, yet Mountbatten insisted that he must make arrangements either for Nehru or Gandhi. This work endeavours to establish a link between Gandhi's visit to Kashmir and the last minutes change in the Radcliffe Award to provide India with land access to Kashmir.



## **GLOSSARY OF TERMS**

1. *Ahrars Kashmir Chalo Movement*: Ahrars was a Muslim organization in Punjab which started a movement to send its volunteers to the State of Kashmir to help Kashmiri Muslims.
2. *Anjuman*: A religious or literary organization.
3. *Crore*: 10 million.
4. *Dogras*: The ruling class of Kashmir.
5. *Dogra Raj Zindabad*: Long live Dogra rule.
6. *Eid*: Christmas celebrated by Muslims.
7. *Eid-E-Milad-u-Nabi*: Birthday celebration of Prophet Mohammad (Peace be upon him).
8. *Goondaism*: Unlawful activities.
9. *Harijans*: Untouchables: the lowest class in the Hindu cast system.
10. *Hindu Daharam Ki Jay*: Long live the Hindu religion.
11. *Imam Muslim*: priest.
12. *Jamia Masjid*: Central mosque.
13. *Jatha*: A group of people: it could consist of thousands of people.
14. *Khanqah*: Alter – tomb of a pious person.
15. *Khem Chand Ki Jay*: Long live Khem Chand.
16. *Khutba*: Sermon read by priests with prayers.
17. *Koran (Quran)*: Holy book of Muslims.
18. *Lac*: A hundred thousand
19. *Lathi Charge*: Beating with sticks – normally by police.
20. *Mahajans*: A social class of Hindus which lends money.
21. *Mazar-i-Shohah*: Tomb of martyrs killed on 13<sup>th</sup> July 1931.
22. *Nawab*: A title for some state rulers.
23. *Nizam*: The title of the Ruler of Hyderabad.
24. *Pandits*: Hindu priest and scholars.

- 25. Praja: Public – subjects.
- 26. Raj Guru: Chief Guru in the State.
- 27. Raja: A currency used in India and Pakistan.
- 28. Shere-Kashmir: Lion of Kashmir.
- 29. Tehsil: Sub-district.
- 30. Tehsildar: District Commissioner.



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## FOREWORD

"Kashmir and The Partition of India", a research work accomplished by Dr. Shabir Choudhry deserves my rich tribute; and appreciation for Dr. Michel J Lelohe, Chairman of History and Politics, and Mr. J. Price for their assistance to the writer. This was, of course, an uphill task and voluminous hard work.

The State of Jammu and Kashmir, with its present boundaries, was founded by Maharaja Ghulab Singh. Initially, he had secured the principality of Jammu as a *Jagir* from Maharaja Ranjit Singh, in 1820. It was obtained in recognition of his loyal services and was authorized to rule over the territory as a Raja. After the death of Ranjit Singh in 1839 and the Anglo Sikh War, the East India Company concluded a treaty with Ghulab Singh at Amritsar, on 16 March, 1846. It is known as the Treaty of Amritsar.

This work deeply observes the legal position of the State on 15 August, 1947. In this research work, the author writes, 'Kashmir became the centre of one of the major international disputes, which brought those new countries into direct clash against each other'. The future status of Jammu and Kashmir became the quagmire of affairs, thus ball of controversy was rolled on, which parched the heart and tongue of every independent soul. Both India and Pakistan desired to make the state part of their own territory, whereas state ruler Hari Singh wanted Kashmir to become a sovereign independent state.

Dr Shabir is quite correct when he asserts that the British literally sold the Kashmiri nation like a commercial commodity. The Treaty of Amritsar consists of ten articles. All articles assure the Maharaja's subjugation of the British. Article IV of the deal is quite evident, according to which the limits of territories of Maharaja Ghulab Singh shall not be at any time changed without the concurrence of the British government.

The Indian Independence Act was ambiguous. It was made for keeping two nations in the state of tug-of-war at all times. I again agree with the writer that the Radcliffe Award was simply meant to provide India with land access to Kashmir and hence facilitate it.

The British government had clearly stated in the Independence Act, the states from all their obligations to the Crown. The states will have complete freedom technically, and legally they became independent.

A doubt on the role of Lord Mountbatten being prejudiced is not true. It was the dictation of the British rulers- for this and for everything Lord Mountbatten and Edwina Mountbatten. On this occasion, they proved very fruitful for evaluating the legacy of turmoil in the name of independence. Personal friendship with Nehru and his dislike for Jinnah had an important influence on the whole process of partition. Important personalities like Gandhi, Patel, V.P.Menon, particularly Edwina Mountbatten could not be ignored. For making the British ruler's dream come true, was the delay of the Radcliffe Award announcement Mountbatten arranged Gandhi's meeting with Maharaja Hari Singh and dispatched Nehru to Kohala to see Abdullah who was behind the bars. Hari Singh believed in an independent Kashmir. He wrote a letter to Mountbatten as follows:

"My Dear Lord Mountbatten, I have to inform your Excellency that a grave emergency has arisen in my state and request immediate assistance of your government..... I wanted to take time to decide to which dominion I should accede or whether it is not in the best interest of both the dominions and my state to stand independent, of course with friendly and cordial relations with both India and Pakistan. I accordingly approached the dominions of India and Pakistan to enter into standstill agreement."

Mountbatten replied as follows, "My dear Maharaja Sahib, letter dated 26<sup>th</sup> October has been delivered to me by V.P.Menon. My government have decided to accept the accession of Kashmir state to the dominion of India."

For consolidating all the issues, Mountbatten arranged the visit of Gandhi to Kashmir which has eventually been done without any rhyme

and reason. The research work gives birth to Kashmir issue by 1920, where economic deprivation and seeds of social unrest, germinated under the umbrella of 13 July, 1931, considered as the turning point of the modern Kashmiri struggle. The author believes the whole truth regarding the partition of India will never be known, because many of the characters involved are not alive. I believe nothing is latent. The principal characters in creating problems are Krishna Menon, Sardar Patel, Nehru and the Indian Independence Act of 1947 passed by the British Parliament on 17 July, 1947. Cabinet Mission Plan of 16 May, 1946. The partition was Mountbatten's policy of excessive haste. He arbitrarily advanced 15 August, 1947 the date for independence from the limit of June, 1948 given to him by the British Prime Minister Attlee's government. This ill-considered decision has unfortunately been accepted by both India and Pakistan.

This resulted in horrific killings of about one million human beings and the displacement and transfer of about 8 to 10 million people moving across the new frontiers. Rafiq Zakaria writes in his book, 'The Man Who Divided India 2001, Mr Jinnah strongly opposed the partition of the Punjab and Bengal. He wrote in May, 1947 to the British Cabinet asking to prevent such a decision, because he wanted large number of non-Muslims to also be part of original demand of Pakistan. The partition was callously imposed by the Congress and Mountbatten, not a condition created by the Quaid-e-Azam.

We have to probe into Johnson's diary where Johnson exclaims Lord Ismay feared that Winston Churchill has attributed the services of Mountbatten for the division for the best interest of Hindus, which would cause the loss to Indian Muslims.

It is worth recalling that Johnson writes in his diary about the first meeting of Nehru and Mountbatten. It was decided that Punjab would be divided on the basis of religion, although the 3rd June plan had not come into public. Sheikh Abdullah was made the controversial leader by Mirwaiz Yousaf Shah, with the intrigue of Hari Singh. He was impelled to form National Conference and bade goodbye to the Muslim Conference.

It was of course a good decision of Sheikh Abdullah and the Kashmiri leadership. The evolution two parties caused great loss to the Kashmir

cause. This was Chaudhary Ghulam Abbass who ascertained that the party should have included non-Muslims in the mainstream of Kashmiri political life. Here Shabir Choudhry reflects, and explains in Chapter IV the aftermath of the Muslim Conference was changed into the National Conference. Chapter V deals with Jinnah's visit to Kashmir. The researcher is very correct that Sheikh Abdullah invited Quaid-e-Azam to take guidelines about the conflict created by Hindus in Jammu, but instead compromise Chaudhary Ghulam Abbas parted from Abdullah had consoled Mirwaiz and Muslim conference instead Masudi and Mirza Afzal Beg who had a soft corner for Pakistan. They too were not taken into confidence, with the result that the road to Kashmir's independence was shattered and blocked.

Quaid-e-Azam was not in the interest of Hindu-Muslim unity. Thus if Quaid-e-Azam would have succeeded in bringing Kashmiri masses into the garland of unity, the future of Kashmir would not have been darkened. This has rightly been discussed by the author.

Actually it was threat of communism which gave birth to partition. America and Britain had the fear of communism raising alarm in London, the failure of Congress in India and Muslim League in Pakistan. The researcher has given solid reference with plea of Churchill and Attlee.

Sheikh Abdullah, as stated by the author in Chapter 6, has said to Quaid-e-Azam that experience has proved that the initial problem is not the confrontation between religions, but that of the economically divided society. There are those who exploit and those who are exploited. The struggle is not against individuals, rather it is against an oppressive system in which we will have to participate, irrespective of religion.

Sheikh Abdullah has proved it by maintaining 'Law, Land to the tillers'. All the Jagirdars were denied these lands and the cultivators owned and became the masters of the land. I appreciate the approach of the author with the last corner of my heart. He has well knit the situation.

The same chapter (6) explains the position of Britain. Britain has been in decline for a hundred years. The war forced Britain to accept American leadership. Britain was treated as a defeated nation and the advancement of communism and the inability to sustain the burden of Empire, industrial

need became the cause to declare India's freedom. The author deserves appreciation for the way he has dealt with this chapter.

In Chapter 7, the importance of Khizar Hayat Tiwana has been expounded. However, in the Cabinet Mission, the meeting maintained that the state should not be forced to join any union, there should be *prime facie*, no objection to the formation of a confederation of the state if the Rulers so desired and there should be no interference by British India in their internal affairs.

Chapter 8, a surprise political move by Nehru and his arrest in Kashmir proved decisive in many respects, when it came to deciding the fixture of Kashmir.

Chapter 9 denotes the injustices attributed to Mountbatten, his wife and their friendship with Nehru and actually the prejudice to the Muslims of India. The author is very clear on this subject. This is a sad story for residents now in Pakistan.

Chapter 10 deals completely with Mountbatten. He got the upper hand from Prime Minister Attlee. He got the authority to deal with the Indian independence. He hurried into dividing India in August, 1947 instead of June, 1948. He did his best to keep India in Commonwealth which was in the best interest of Britain. Nehru played it as a trump card. This is very plainly, logically stated by the writer.

Chapter 11 is of great importance in that the Quit Kashmir Movement is discussed, with reference to the Muslim Conference. Chaudhary Ghulam Abbas, in order to show his political power, gave the arrest. Chaudhary Hamidullah became the acting president. He declared Kashmir to be a sovereign state, not to annoy the Hindu majority of Jammu and to have relations with both India and Pakistan. For this, Jinnah has also permitted Maharaja and that was pro-Pakistani Sardar Ibrahim was not allowed to see Jinnah. The writer has given all the causes, consequences regarding these occurrences, without any rhyme and reason.

Chapter 12 traces the details of existing states and the position they held. This chapter states the Princely States and relationship with the

monarch. Here, the Muslim League is fancying the states to be independent, whereas Congress had not many daydreams.

In Chapter 13, the author discussed the main theme of the Commonwealth, in which Britain was quite interested.

Chapter 14 explains the reasons for an early transfer of power in August 1947, instead of June, 1948. It explains that the Congress leadership influenced Mountbatten's thinking through Edwina Mountbatten and Chapter 15 also exhibits the enmity between Mountbatten and Jinnah.

The ambiguity left in the 3rd June plan was working against the Princes, their future looked bleak. In Chapter 17, the work of the Boundary Commission is explained and analyzed. It is also shown that the Award was changed at the last moment, in favour of India. The last chapters depict the destruction and annihilation of Indian inhabitants.

I am pleased to see how the author has systematically dealt with the inns and outs of this slender vine problem with his steady oak and brought into the limelight, all the Indo-Pak partition issues.

Thank you.



18/8/2022

Dr. Yousaf Bokhari,  
Ex-Chairman, Kashmiriyat Department, Punjab University, Lahore  
Former Director, Sir Ganga Ram Heritage Foundation, Lahore.  
Cell No: +92(0)321-4846684

## Preface

Much of what is going on in South Asia, especially in Pakistan, India and Jammu and Kashmir is, one way or the other, linked to the partition of India on religious lines in August 1947. The genie of extremism, hatred and violence unleashed in name of religion has not only brought havoc to our region; but it also seriously affected other parts of the world.

Before the British Raj ended in August 1947, the British India was divided on religious lines causing death, destruction and unplanned migration of millions of people. That division and subsequent hatred and violence carried out in name of religion or retribution created deep divisions and embittered society and politics of the region; and we are still suffering because of those tragic events, as we are still hostage to the past.

Politics of extremism, hatred and violence suited some in the late 1940s; it suits many even today, if anything, it has become a lucrative business for the people with vested interest in various parts of the Indian Sub Continent. Their business could only flourish if people could be divided on religious, sectarian, linguistic and regional lines and manipulated to commit acts of barbarism against each other.

This research, 'Kashmir and The Partition of India', carried out under supervision of qualified and professional academics, looks in detail the partition of India. It carefully analyse the role of leaders and officials, their personal weakness, egos, likings and prejudices; and how that manifested in human disaster – a disaster that could have been avoided or its severity could have been controlled to large a extent.

This research also establishes without any doubt the legal status of the Princely States under the British Raj. It also carefully examines the 'Two Nations Theory' in light of legal and historic documents and statements of the legal and constitutional experts of the time; and asserts its irrelevance to the Princely States.

The research traces history of Jammu and Kashmir and observe how its politics evolved between the two Great Wars; and how politics of the British India influenced politics of the State of Jammu and

Kashmir, which had history of peaceful and harmonious communal relations.

All those who are interested with history and politics of the Indian Sub Continent and especially politics of Jammu and Kashmir will find this research very interesting and informative. They will find historic evidence and legal documents of immense value.

Many see the Kashmir dispute as a source of instability and a cause of violence in the region. This work will help those who want to differentiate facts from myths and understand true nature of the Kashmir dispute. It shows why the 'Two Nations Theory' was not applicable to the State of Jammu and Kashmir; and why the Maharaja wanted to maintain his independence.

However, it must be pointed out that this research was for my Mphil, and I completed it in 1988. A lot more has been discovered and added to the subject since that date. Because it was my thesis, approved by my university, I cannot add any new information to it, so I am presenting it as it was approved.

Still I hope this work will increment knowledge and understanding of the people related to the Partition of India, and will also help people to understand present problems related to India - Pakistan relations. Apart from that, the research will help people to understand why Kashmir dispute is the main source of tension and bitterness between India and Pakistan.

Dr Shabir Choudhry  
London  
Telephone: 0044 (0)7790942471  
Web: <http://k4kashmir.com/>  
Email: drshabirchoudhry@gmail.com



## INTRODUCTION

This work looks in detail at the legal position of the State of Jammu and Kashmir on 15<sup>th</sup> August 1947. It was on this date that the British Raj ended in India, and two sovereign Dominions of India and Pakistan emerged as the result of the partition of India on communal lines.

The British Raj in India consisted of hundreds of semi-autonomous Princely States, and the British India; and it was the latter which was partitioned. The position of the Princely States was left somewhat ambiguous: they were given the choice – either to accede to one of the Dominions or make some other 'arrangements' with them. This ambiguity led many people to claim that Kashmir, which did not accede to either Dominion on 15<sup>th</sup> August 1947, had no right to independence.

The work also looks at the partition of India in detail. Special attention was given to the role of Mountbatten – his appointment, his power and influence in deciding the most delicate matters.

His personal friendship with Nehru and his dislike of Mr Jinnah had an important effect on the whole process of partition. There were other important and influential personalities like Gandhi, Patel, V.P. Menon and Edwina Mountbatten, who had close contacts with, and influence over Mountbatten and Nehru.

Of course there were other important people, for example, Jinnah and Liaquat Ali Khan, who were not close to Mountbatten but nevertheless influenced the partition process. I have endeavoured to explain and analyse their roles in official and unofficial capacities.

Another controversial area worthy of detailed analysis was the Radcliffe Award, the delay in its announcement and its effect upon the cost of independence to the people of the Indian Sub-Continent. Despite detailed research, logical discussion and an analytical approach, there still remain some grey areas and a number of uncertainties. It would be erroneous to claim that my research has discovered the

whole truth regarding the partition of India: perhaps the whole truth will never be known, as many of the characters involved are no longer alive. But I have tried to shed new light on many areas, and developed new themes in some aspects of the partition of India.

Chapter 1, as the title suggests, gives the historical background to the State of Jammu and Kashmir. After a brief summary of thousands of years of Kashmiri history, I explain how Kashmir was sold by the British to the Raja of Jammu, Gulab Singh. This notorious transaction took place in 1846, and is known as the 'Treaty of Amritsar'. The plight of poor Kashmiri people before and after the treaty is analysed, and some time is spent on examining the response of the people towards the Maharaja's rule.

Chapter 2 explains the scene in the late 1920s, where economic deprivation and seeds of social unrest were germinating under the surface. 13<sup>th</sup> July 1931 is considered to be the birthday of the modern Kashmir struggle, but signs of discontent, social unrest and despite the ban-political activities, were visible before then.

There were a number of incidents in succession which intensified the feelings of the Muslim majority, who felt that the Government had gone too far, especially in interference in religious matters. It explained what sparked off the trouble and how the authorities reacted to it. This incident paved the way for overt political activities, and the establishment of the first Legislative Assembly. Moreover it enabled Sheikh Abdullah to emerge as the undisputed leader of the Kashmiri Muslims-a leader who was considered as a Messiah sent by God to change their fate.

Chapters 3 and 4 deal with the political parties in the State. The all Jammu and Kashmir Muslim Conference was the first political party in Kashmir. The party was headed by Sheikh Abdullah and, as the name suggested, consisted entirely of Muslims. Later it was felt that the party should have a national character and include non-Muslims.

However, the Muslims were in the majority, yet deprived and victimized, and the Muslim Conference was the vehicle used to protect their rights. The Muslim Conference leadership, including Sheikh Abdullah and Choudhry Ghulam Abbas, recognized that non-Muslims should also be included in the mainstream of Kashmiri political life.

Chapter IV examines what happened after the name of the Muslim Conference was changed to the National Conference, and how Choudhry Ghulam Abbass, revived his old party. The revival of the Muslim Conference parted the political paths of two friends and leaders Sheikh Abdullah and Choudhry Ghulam Abbass. From then onwards they were each other's enemies, at least political foes, which had far reaching and drastic impact on the future of Kashmir.

Chapter 5 deals with Jinnah's visit to Kashmir. Kashmir was at that time split into two opposing political camps namely the Muslim Conference and the National Conference. The latter, of course, enjoyed the overwhelming support of the Kashmiri people.

Nevertheless, the split was not desirable, as it weakened the struggle against the tyrannical rule of the Maharaja. It was hoped that Mr. Jinnah (Qaaid-e-Azam- the Great Leader) would be able to bring about the much – desired compromise between the two groups. This chapter looks in detail at the purpose of Jinnah's visit, the political manoeuvres of both groups, and the failure of parleys to bring about unity. It was unfortunate that, due to the selfishness of some individuals, the Kashmiri people lost this opportunity to form a united front. The Kashmiri people paid a very heavy price for this, and they will continue to pay this price for a long time.

Chapter 6 explains the position of Britain after the war, and looks at the reasons for the British departure from India. Many thought that Britain, though victorious in the war, nevertheless was exhausted and had difficulty in controlling the monsters of nationalism and communism in India. There were other factors in the story, and these are all analysed in Chapter 6.

Chapter 7 looks at the Cabinet Mission which was sent by the British Government in 1946, to find out an agreed political solution to the Indian communal and political problem. The chapter briefly discusses the formula presented by the Cabinet Mission to grant independence to a united India. The position of both the Muslim League and the Congress during the negotiations is explained and analysed. The position of the Princely States in the cabinet Mission plan is also explained. The chapter explains how close Jinnah was to

abandoning the idea of Pakistan and how Nehru rocked the boat of a united India.

While the Cabinet Mission was trying to work out a political solution for British India, the Princely State of Jammu and Kashmir faced political unrest without precedent in its history. This political unrest resulted from the 'Quit Kashmir Movement' started by Sheikh Abdullah, 'The Lion of Kashmir'.

Chapter 8 explains and analyses the Purpose of this' Movement' and the response of the Government. It also examines the attitudes of the Congress and of the Muslim League, as well as those of ordinary Muslims and Hindus outside Kashmir. A surprise political move by Nehru and his arrest in Kashmir won the heart of Sheikh Abdullah, and that proved decisive in many respects when it came to deciding the future of Kashmir. The attitude of the Muslim Conference at this important time is also explained and analysed. The' Quit Kashmir Movement' has a great significance in the modern history of Kashmir; therefore, time is spent in explaining and analyzing the events.

Chapter 9 explains about the appointment of Mountbatten as the last Viceroy of India. The chapter reveals that the Congress was behind the appointment of Mountbatten to this high office. It explains the frustration and desperation of the British Government in trying to find an honourable and acceptable solution to the Indian problem, which led Attlee to accept all the conditions put forward by Mountbatten before he accepted the post. For a long time, Mountbatten had secretly desired to become a Viceroy, but when the post was offered, he was reluctant to accept it because it was a great challenge, full of political dangers. The chapter also explains the friendship and personal liking between Mountbatten and Nehru.

Chapter 10 looks at some of the demands made by Mountbatten and examines some of the details in the Historic Declaration made by the British Government. It also explains the British desire to grant independence to a united India within the Commonwealth.

After explaining the political scene in India as a whole, Chapter 11 deals with the second major political party in Kashmir – the Muslim Conference. The party was regarded as a puppet of the Muslim League,

but ideologically it was not a united party. The party's weaknesses, such as lack of organization, lack of mass support, and political disunity are explained and analysed. The party had strong pro- independence and pro- Pakistan factions. The chapter looks in detail at the points of view of both groups.

The next chapter 12 traces the history of the Princely States and the position they held in the British Raj in India. The chapter looks in detail at the number, the size and the role of these States. It explains the relationship between the British Monarch and the Princes – they were considered as allies of the Crown rather than Princely subjects. The chapter looks at the likely fate of the Princes under the Cabinet Mission Plan, the response of the Princes and the attitudes of the Congress and the Muslim League. Like many constitutional experts, the Muslim League believed that after the lapse of Paramountcy the Princely States became Sovereign States and that they had every right to remain independent, whereas the Congress strongly opposed the Princely States' right to independence. The chapter looks in detail at all the arguments.

Chapter 13 as the title suggests, looks at the work of Mountbatten. Before his work is analysed, the social and political situation in India is explained, and the people with whom he had to negotiate the transfer of power, preferably to a united India within the Commonwealth are discussed.

Mountbatten's liking for Nehru and dislike of Jinnah is explained, and the political manoeuvrings of all sides are analysed. Mountbatten accepted the principle of the Partition of India to create Pakistan, but suggested the partition of Punjab and Bengal. Mountbatten could have avoided the partition of India if only he had known about Jinnah's illness. The chapter explains and analyses all these historic events.

Chapter 14 examines in detail the reasons for an early transfer of power. Why did Mountbatten have to transfer power in August 1947? Was it because there was a threat of civil war, or were there other sinister motives? The chapter explains the secret pact between Patel and Mountbatten; it also explains how the Congress leadership influenced Mountbatten's thinking through his Hindu advisers and through Edwina Mountbatten, who was very 'close' to Nehru.

The chapter explains why the Congress accepted the partition of India, and what price was demanded, and why Mountbatten amended the original Partition Plan to satisfy Nehru. It further explains why Mountbatten feared that Jinnah could refuse to accept the Partition Plan. The dislike between Mountbatten and Jinnah is exposed on the issue of Joint Governor Generalship. There was a personality clash and a hidden contest-like situation between them, which came to the surface on this issue.

Chapter 15 looks into this and explains that politically it was not sensible to annoy Mountbatten and push him into the 'enemy corner'.

The previous three chapters explain who played what role during the negotiations leading to the Partition Plan.

Chapter 16 looks at the future of the Princely States in the light of the Partition Plan, and the prevailing political situation. The wish of the Princes to maintain their independence and privileges, and Mountbatten's endeavours to herd them into the Congress camp, are explained and analysed.

The ambiguity left in the 3<sup>rd</sup> June Plan was working against the Princes, and their future looked uncertain and bleak. The Congress machinery, supported by Mountbatten, pressurised the Princes to accept 'accession' before the lapse of Paramountcy and refused to consider any Standstill Agreements.

Chapter 17 explains how the partition of India took place, and what factors were taken into account in demarcating the contiguous and Bengal. The work of the Boundary Commission is explained and analysed, and an endeavour is made to prove that the 'Award' was changed at the last minute in favour of India. The chapter also explains that in the view of the experts, the delay in announcing the Award caused considerable confusion and uncertainty about their future, and the ensuing administrative difficulties resulted in the deaths of many innocent people.

Chapter 18 as the title suggests, explains what the cost of the partition was. Both India and Pakistan achieved their independence, but the cost in destruction and human suffering was far too high. The chapter endeavours to prove and point out that a lot of suffering and destruction could have been avoided if the independence process had not been rushed through, and if both community leaders had been more rational and tolerant. The chapter gives an account of the communal disturbances, and cites examples of men behaving like brutes, and tens of thousands of innocent men, women and children being butchered.

Chapter 19 explains in detail how the Princes were hunted by Patel and V.P. Menon and forced to join the Indian Union. The Princes were harassed and pressurised for not joining the Indian Union. Patel wanted to get the Instrument of Accession signed before the British Raj ended because after that all the Princely States would have been independent and could have refused to join.

All this was happening in the presence of Mountbatten, who was especially asked by the King-Emperor to look after the Princes. The chapter explains that Britain unilaterally terminated all the treaty obligations with the Princes, whereas the future of British India was decided with consultation and agreement. And yet it was the Princes who proved more reliable and loyal in the time of need.

The chapter also explains how the Congress influenced the Indian Independence Act during its passage. There was some concern in London regarding Mountbatten's insistence that the Princes must join India before the lapse of Paramountcy.

Whereas Chapters 21 and 19 deal with the problems and anxieties of the Princes in general, Chapter 20 deals specifically with Kashmir. The chapter explains in detail why the Maharaja did not want any politician to visit Kashmir and why Nehru and Gandhi insisted that they must visit Kashmir. The purpose of Mountbatten's visit to Kashmir, without apparent invitation, is explained and analysed. Was it a Congress mission he wanted to accomplish? Mountbatten restricted the entry of the Muslim League leaders in Kashmir, but insisted to the Maharaja that he must allow either Nehru or Gandhi. The chapter explains why the Maharaja had to yield and allow Gandhi to visit Kashmir, and what changes his visit brought about.

The evidence suggests that during this visit the Maharaja was assured that land access would be provided to link Kashmir with India; and this was why the last minute change in the Radcliffe Award took place and the sub-districts of Gurdaspur and other areas were given to India.

The chapter explains why the Maharaja did not want to join India or Pakistan, but to remain independent. The chapter, after detailed discussion, proves that the State of Jammu and Kashmir fulfilled all the characteristics of an independent State on 15<sup>th</sup> August 1947, and became sovereign.

The conclusion looks at the work as a whole and tries to integrate and analyse some of the themes developed in the work in various chapters. The chapter analyses the mistake of the main characters of the partition drama, and endeavours to explain who is to be blamed for the tragedy which followed the Transfer of Power. The chapter also briefly looks at the political views held by groups at the time of transfer of power; and why Kashmir could not maintain its newly-acquired sovereignty.

**Dr Shabir Choudhry**



## Chapter 1

### Historic Background

*'The history of Kashmir is the history of a living people. From ancient times they have passed through days of joy and sorrow, of affluence and penury. But whether in sunlight or shade, the Kashmiris stuck fast to their humanistic principles, and did not fall a prey to religious intolerance and narrow-minded bigotry'.*

(Kashmir and Power Politics P.M.K. Barnzai)

The State of Jammu and Kashmir made headlines in the international media and drew world attention in the last few months of the year 1947. Earlier, on August 15<sup>th</sup> of the same year, the British Raj ended in the Indian Sub-Continent and the Dominions of India and Pakistan became Sovereign States.

Later Kashmir became the centre of one of the major international disputes which brought these newly independent countries into direct clash with each other. The future status of the State of Jammu and Kashmir was the subject of controversy: both India and Pakistan wanted the State to become part of their territory.

The States' ruler, Maharaja Hari Singh, had different ideas: he wanted Kashmir to become a Sovereign and Independent State. But there were many, both in India and Pakistan, who argued that the State had no right to exist as a separate political entity after the lapse of Paramountcy. To comprehend the exact position of the State of Jammu and Kashmir under the British Raj, and after the lapse of Paramountcy, it is imperative to look at the historical background and the status of Kashmir at the transfer of power.

By virtue of its central position in Asia, Kashmir commands a strategic importance, abutting as it does on the borders of Pakistan, India, Afghanistan, the USSR and China. Kashmir is a land of snow-capped mountains, lakes, rivers and flowers. Srinagar, the capital of the State, is situated in the centre of the Valley, and is called the 'Venice of the East', because of its numerous canals and the adjacent Dal Lake; it is also a centre of trade and commerce.

The official name of Kashmir is the State of Jammu and Kashmir, and consists of several regions. Its heart is the famous Vale of Kashmir. South of it is the Jammu province; to the east is Ladakh, and north of it, Baltistan; further north are the regions of Hunza and Nagir, and west of them, the Gilgit agency, composed of several political districts. West of the Vale are the districts of Muzaffarabad, Riasi, Poonch and Mirpur. The size of the State is 84,471 square miles, and its population more than ten million, of whom nearly 80% are Muslim.

The history of Kashmir, which is traceable as far back as 5,000 years, makes it clear that Kashmir had existed as a sovereign political entity. Prior to the Muslim rule in Kashmir, the country experienced the rule of twenty-one dynasties, of which eighteen were native. Muslim kings ruled the country for 240 years before Kashmir was invaded by the Moghul Emperor, Akbar the Great, in 1586.

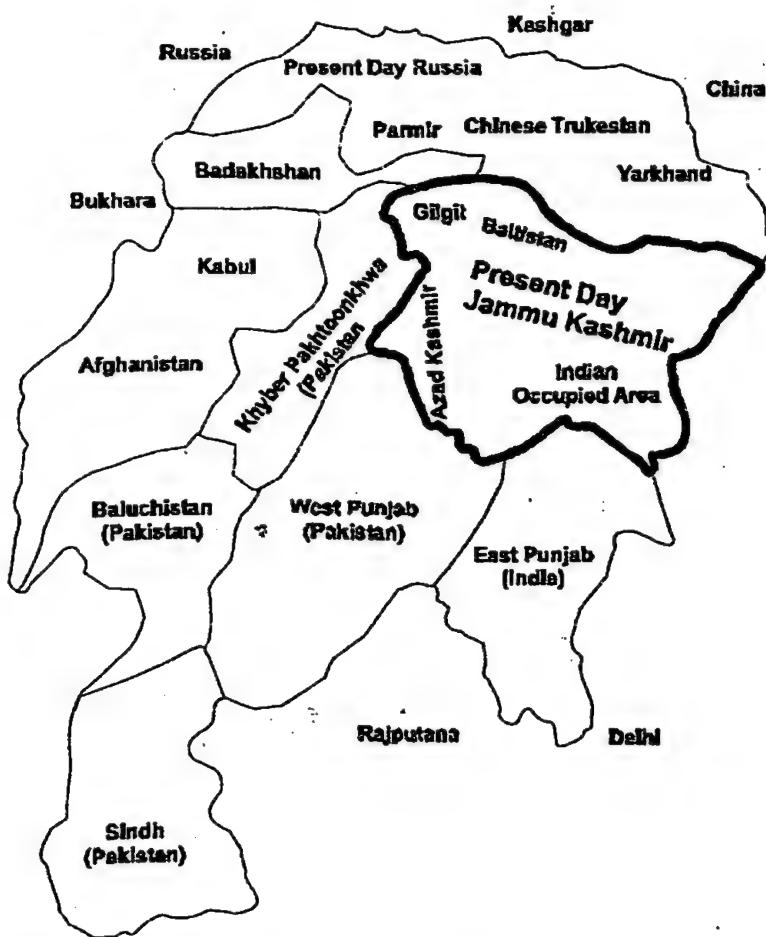
During the years of independence, Kashmir enjoyed political stability and economic prosperity, and the boundaries of Kashmir, spread far beyond the present boundaries of the state of Jammu and Kashmir. Especially during the reign of Sultan Zainul Abedin, commonly known as 'Budshaw' (1420-1470) the boundaries of his kingdom included most of the present Punjab, a part of Tibet and a large area of Central Asia. Kashmir, at that time, was a great centre Asia and the Middle East.

According to a great historian, Kalhana, Yuan chewing visited Kashmir in 631 Ad and wrote:

*'The people of Kashmir love learning and are well cultured. Since centuries learning has been held in great respect in Kashmir'.*

In drama, poetry and literature, Kashmir was a centre of learning, and attracted students and scholars from other parts of the world. In Bamazi's words:

*'About two thousand or more years ago, Kashmir was a great centre of Buddhism and some of the Buddhist councils were held there. Kashmir became a high school of Mahayana Buddhism during the time of Kaaiskai's rule and after, and attracted scholars and pilgrims from distant lands who studied the Buddhist texts at the feet of the learned pundits of Kashmir'.1*



NOTE: Areas included in the Government of Kashmir at the time of Sultan Shahab-UL-Din 1354-1373 Map issued by the Punjab University Lahore, printed in the famous book called "KASHEER", by dr G.M.D Sufi.

With the death of this great king began the decline of Kashmir's golden era. His Shamiri dynasty was overthrown and replaced by Chacks who ruled the country until the Moghul invasion. Moghul rule lasted for about two centuries in Kashmir. With the decline of the Moghul Empire, Kashmir was annexed by Afghans, who ruled it with an iron fist for 67 years (1752-1819). Afghan rule was ended when Sikhs conquered Kashmir and the Kashmiri people were subject to another tyrannical rule under which conditions for innocent citizens went from bad to worse.

The barbarous rule of the Sikhs lasted for 27 years until the Sikhs were defeated by the British. But by no means was this an end to the troubles of the Kashmiri people; rather they were to enter a new era of oppression, slavery, injustice and inhuman treatment.

The British, who claim to be champions of democracy, human rights and justice, literally sold the Kashmiri nation like a commercial commodity, to make up financial losses for the wars, for the price of 7.5 million rupees (about \$375,000).

This most ignominious and inhuman transaction was made on 16<sup>th</sup> March 1846 and is commonly known as the 'Treaty of Amritsar'. Kashmir was sold to a man called Gulab Singh, who was described by his official biographer Pannikar:

*'Gulab Singh did not achieve his ends by methods which were always beyond criticism. He did not hesitate to resort to tricks and strategy which would, in ordinary life, be considered dishonourable. He was trained in a hard school where lying, intrigues and treachery were all considered part and parcel of politics'.<sup>2</sup>*

Gulab Singh was at one time employed by the Maharaja Ranjit Singh in Lahore Darbar at a salary of three rupees a day. But through his shrewdness, skill at intrigue and flattering attitude, he became a Minister of the Lahore Darbar.

And when the British were engaged in the first Sikh war, Gulab Singh, who had a secret agreement with the British, committed treason and helped the British in the war. The British wanted to reward this man of avarice and unscrupulous ambition, for his services in establishing British hegemony in the Punjab. To fulfil their part of this

notorious covenant, the British sold Kashmir and according to Article 1 of the Treaty:

*'The British Government transfers and makes over for ever in independent possession to Maharaja Gulab Singh and the heirs male of his body, all the hilly or Mountainous country with its dependencies situated to the eastward of the River Ravi including Chamba and excluding Lahul, being part of the territories ceded to the British Government by the Lahore State according to the provision of Article IV of the Treaty of Lahore, dated 9<sup>th</sup> March 1846. '(See Appendix I)*

There was strong criticism, and opposition to this sale of human beings, not only by those unfortunate people who were sold like animals, but also by conscientious British people. The author of *Kashmir Raj*, which was published in 1868, wrote:

*'We sacrifice hundreds of valuable English lives on the fever-stricken coasts of Africa to guard against the extinct evils of the slave trade, and at the same time, we exalt among the Princes of India the great slave trade holder who owns not a gang but a nation of bondsmen. It cannot be conceded (sic) that Cashmere (Kashmir) is one vast slave-worked plantation. Throughout the year the villagers – men, women and children, are turned out each morning at the sound of a drum to work in gangs under alien task-masters, at a husbandry at which they are not to reap the benefits'.<sup>3</sup>*

The same author makes another statement on page 97 of *Kashmir Raj*:

*'And we have no doubt that in the worst days of the Slave Trade, the conditions of the Negroes of the West Indian sugar and cotton plantations, and of the Southern States of America, was very much better than the lot of the Cashmeres (Kashmiris) has been and still seems to be. But, be this as it may, the Maharaja of Jummoo (Jammu) and Cashmere is our feudatory; and we are morally, if not politically, responsible for the grave evils arising from the barbarous system of misgovernment, which places extensive and abused power in the hands of underpaid and unscrupulous officials, and which is tacitly permitted, if passively disapproved of, by us'.*

Another writer, Mr. W. Wakefield (not the Kashmir Minister), says:

*'The huckstering spirit that so often prevails in our nation policy and which caused the great Napoleon to apply to us the term 'a nation of shopkeepers', was dominant in this case; for relinquishing all the advantages that accrued to us from its possession, the supreme Government sold this fair province to Raja Gulab Singh for a paltry and insignificant sum of 75 lacs of rupees'.<sup>4</sup>*

The people of Kashmir were very furious about this sale treaty and they did not want Maharaja Gulab Singh as their ruler because of stories about his selfishness and cruelty. This is not to suggest that the Kashmiri people were enjoying a happy and prosperous life at that time; cruelty, oppression, injustice and starvation were not new to them. But what they knew of Gulab Singh was more than enough to frighten them.

Maharaja Gulab Singh was very anxious to take control of the territory he purchased, but the Kashmiri people, who were at that time ruled by Sheikh Imam-ud-Din, who was Governor of the Sikh Government of Lahore, refused to accept him as a new ruler, and when Gulab Singh's endeavours to take possession by military force proved futile (Dogras led by Hukam Chand were defeated), he wrote to the British:

*'I trust in the British Government and hope not to be deserted. Assist me quickly, otherwise the Sheikh (the Governor of Kashmir) will call on the Afghans and do foolish things. I placed my trust on your orders and in consequences, a heavy wound has fallen on my army. Postscript: if not improper, I hope you will tell the Sheikh to join me'.<sup>5</sup>*

It was after long negotiations and some bullying by the British that Governor Imam-ud-Din left Kashmir on 23<sup>rd</sup> October 1846, whereas the treaty was signed in March 1846. What happened to the Kashmiri people after Maharaja Gulab Singh took possession of his purchased territory, Kashmir, is a long story of oppression, coercion, injustice and barbarism.

Since this is not my topic, I cannot explain it; nor have I the nerve and courage to write about it. But it is pertinent to cite some quotations

from those who witnessed those tragic events to acquaint the reader with the misery and oppression the Kashmiri people suffered as a result of this sale agreement.

Sir Francis Young husband writes: *'In the early sixties cultivation was decreasing; the people were wretchedly poor, and in any other country their state would have been almost one of starvation and famine; justice was such that those who could pay could at any time get out of jail, while the poor lived and died there almost without hope.'*<sup>6</sup>

It is clearly evident that most poor people were Muslim subjects of the Maharaja who were heavily taxed and who had to do forced labour. According to Mr. E.F. Knight:

*'All Hindus were exempted from forced labour, the burden falling on Mohammedan villagers only.'*<sup>7</sup>

Another Englishman, Lt. Col. Torrens, made the following observation:

*'This last state was worse than the first, for Gulab Singh went beyond his predecessors in the 'gentle' act of undue taxation and extortion. They had taxed heavily, it is true, but he sucked the very life-blood of the people. They had laid violent hand on a large proportion of the fruits of the earth, the profits of the loom and the work of men's hands, but he skinned the very flints to till his coffers.'*<sup>8</sup>

Sir Walter Lawrence describes when he visited Kashmir:

*'In 1889, the Kashmiri State was bankrupt. The rich land was left uncultivated, and the army was employed in forcing the villagers to plough and sow, and worse still, the soldiers came at harvest time, and when the share of the State had been seized and these men helped themselves, there was very little grain to tide the unfortunate peasants over the cruel winter, when the snow lies deep and temperatures fall below zero.'*<sup>9</sup>

At the time of great famine in Kashmir in the late 1870's, a delegation of notable Muslims went to see the Maharaja to request him to arrange food for the starving people; the Maharaja was very

annoyed at this request and gave orders to drown the entire delegation. This incident was described by Dr. Arthur Neve:

*'Since the above was in the press, accounts of even worse atrocities in Kashmir have appeared in the newspapers. Whole boat-loads of starving people have been conveyed by the Maharaja's officials to the Woolar lake, and there drowned. One man had strength to swim to shore and informed an Englishman. This man, soon afterwards, died by poison'.10*

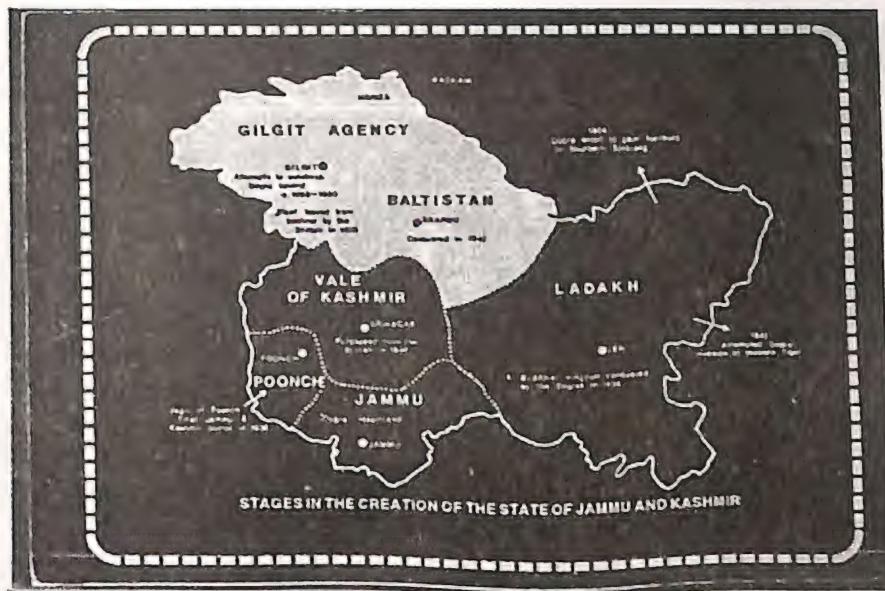
At the time when famine-stricken Kashmiris were helplessly dying in the cold weather, the Maharaja's Government, instead of helping these innocent people, was determined to oppress them further by confiscating their land and whatever they had left. An Englishman explained to his fellow countrymen who actually were responsible for these atrocities:

*'Let us leave the scene of death. But oh, British reader! Forget not the that these and other frightful miseries are produced by a government whose chief is a feudatory of the British Crown; by a government which derives its permanence from the protection of the British rule; by a Government into whose hands British Statesmen sold the people of Cashmere; by a Government, therefore, whose existence is a disgrace to the British name. It is at once a memorial of that foul act, when, like the arch traitor of old, we bartered innocent lives, which fate laced in our hands, for a few pieces of silver'.11*

One scholar, Vincent H. Smith, writes:

*'Few regions in the world have had worse luck than Kashmir in the matter of government'.12*

The life of a Muslim subject was not important to the Dogra Government: *'The penalty imposed on a Dogra for slaying a Muslim was only 20 rupees (\$1.00)'.13*



I have deliberately chosen quotations from foreigners, mainly British, because their writings have more credentials of being impartial, whereas the writings of Indians, especially Muslim writers, could be considered as biased against the Hindu ruler.

Anyhow, these quotations clearly demonstrate that the Kashmiri people were very badly treated by the Maharaja's Government, and that the British were also, to some extent, responsible for those miseries, because it was they who sold Kashmir like a piece of cake to the Maharaja. The British sold Kashmiri people to a man who was a slave to his ambition and passions, and who was loyal to nobody, not even to the British and his previous masters.

According to the ignominious 'Treaty of Amritsar' Maharaja Gulab Singh had to pay the amount in two instalments by 1<sup>st</sup> October 1848. But soon after the signing of the Treaty, he claimed that 15 lacs rupees recovered by the British from Ferozepur, before the Treaty, belonged to his brother, Sachet Singh, and that this sum should be adjusted against his payment.

Lord Harding, the Governor General, without any satisfactory enquiry as to whether this money actually belonged to Sachet Singh or

not, accepted this claim and made adjustments, as requested by Gulab Singh. Even after this adjustment, Maharaja Gulab Singh did not fulfil his part of the contract and did not make the full payment until 14th March 1850. The total amount was paid in forty-two instalments and only after several harsh reminders from Sir John Lawrence.

It is irrelevant in how many instalments the money was paid, this was mentioned only to elucidate the character of Maharaja Gulab Singh. The important and ugly historical fact is that Gulab Singh purchased Kashmir from the British, and he and his descendants ruled it with an iron fist. This subjugation, coercion and injustice continued until 26<sup>th</sup> October 1947, when the last Maharaja of Kashmir, Hari Singh, contrary to the will of the people, acceded to India.

The Kashmiri people's struggle against alien and despotic rule began soon after their enslavement, not in 1931, as is generally assumed.

Two forces which could make a revolution were present in 1931 – dissatisfied masses and intransigent elite. Each group looked upon the other as an opposing force with different interests and different status in society.

Rivalry and conflict between both groups continued and intensified with time. The ruling Hindu minority was determined to keep the Muslim majority under its yoke by imposing intolerable taxes on them, by depriving them of educational facilities and by putting a ban on employment to keep them at the subsistence level.

The first hindrance for the Muslim majority in educating their children was their financial position; the second – maybe more effective, was the Government officials' attitude.

*'It appears to have been their fixed policy to keep the Muslim masses illiterate so that they could not only be kept out of government service conveniently, but also made to take their suffering and enslavement with fatalism characteristic of illiterate masses'. 14*

In 1891-92, the total number of boys under education in the Kashmir Valley was 1585, out of whom only 233 were Muslims.

whereas the Muslim population in the Valley was numbered at 797,433.

The Government's policy of keeping the masses illiterate furnished it with an excuse to keep them out of the government services. In a country like Jammu and Kashmir, where industry was non-existent, the Government was the sole employer, and Government policy was to keep Muslims out of employment. As late as 1932, there were only 135 Muslims in gazetted posts out of a total of 7663, and only 10 Kashmiri-speaking Muslims among the 135. 15

Muslims were kept out of the armed forces because they were labelled as 'cowards' and 'unfit' for military service. This allegation was completely baseless and could historically be proved wrong. According to Major General Ralph Young:

*'The men are a very fine set – splendid chests and shoulders – it is difficult to believe in the cowardice attributed to them. They are oppressed undoubtedly but yell out most vigorously'.16*

As far as this allegation, that Muslims were 'unworthy of Military Service' is concerned, one could see validity of this claim from the fact that there were 71,667 Kashmiri troops who took part in the Second World War, as a part of the British Indian Forces. Out of these 60,402 were Muslim'.17

If these Muslims were 'worthy' of Military Service for the British Indian Army, I am sure they were 'worthy' of Maharaja's ill-trained forces. One reason for not recruiting Muslims in his Armed Forces was the fear in his mind that these troops could pose a great threat to his autocratic rule. The other reason was to deprive Muslims of economic benefits.

After the war, the Maharaja refused to accept Muslims fighters in his Forces. Most of them went back to farming in their home regions, and the Maharaja strengthened his garrisons by importing Sikhs and Hindus.

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## Chapter 2

### 1931 revolt and after

Despite political and social changes in other parts of the world and even in India, inequality, oppression and coercion continued unchecked and insufficient clothing in winter, but the Maharaja continued to ignore the welfare of his subjects and spent huge sums of money for his pleasure and for donations. According to Mohammad Shah, Partap Singh sent a sum of 1,500,000 rupees to Lord Curzon as a donation for the setting up of a memorial to Queen Victoria.<sup>1</sup>

During the Great War, 1914-18, the State Government contributed a sum of 11,200,000 rupees towards the war fund. Partap Singh made a personal donation of 1,560,000 rupees. In addition, a sum of 7,500,000 rupees was advanced as a loan. He also donated 350,000 rupees for the setting up of the Benares Hindu University in India.

Apart from his 'generous' donations, he spent large sums of money for recreation and pleasure, and it is no wonder that his subjects were deep in poverty. When Partap Singh died in 1925, he was succeeded by his nephew Hari Singh, who was born in 1895, and had the benefit of Western education.

Because the British Government took a keen interest in his education, it was expected that he would have a better sense of public duty, and would be more liberal in his thoughts and actions; he was the only one from his predecessors to have a Western education and the Western way of life. It was unfortunate that he was more influenced by the bad aspects of the Western life. According to Justice Saraf:

*'His coronation shocked the people to some extent, because money from the public exchequer was squandered away in a manner and on a scale unprecedented in the history of princely states, so much so that the Maharaja's favourite horse 'Zabardast' was decked out with emeralds worth 7 lacs rupees. It was estimated that the coronation expenses may have in no case been below 25 to 30 lacs rupees. That*

such a huge amount should have been spent on celebrating his accession to the throne in a land where the great majority of people did not even enjoy one meal a day was undoubtedly a poor demonstration of his being well-intentioned.<sup>2</sup>

Hari Singh had some liberal and reforming ideas and he did endeavour to make some changes, but he was soon surrounded by advisors who were neither intelligent nor interested in the welfare of the public. If he had had prudent, far-sighted people around him, he could well have improved the condition of his subjects. Even a partisan Hindu writer like Mr. Bamzai had to say:

*'unlike his predecessors, Maharaja Hari Singh lived in, so to say, an ivory tower surrounded by his favourites, having no personal contact with the people, who through centuries of suppression and misrule were groaning under the burden of the forces that were rising at his feet, indulged in cheap pleasure of life and spent most of his time outside the State.'*<sup>3</sup>

The formation of parties, societies and associations was strictly forbidden and the Press was virtually non-existent. Only one newspaper, Ranbir Weekly, founded in the name of Maharaja Ranbir Singh, run by the Dogras, was allowed to publish.

Even cultural and religious magazines were not permitted because, in the opinion of his advisers, *'it was difficult to disconnect politics from questions which have a bearing on the social, moral or educational conditions of a community'*.

Even as late as 1921, the Maharaja very reluctantly allowed the formation of a society whose only purpose was the teaching of the Holy Quran. Even then, the police were ordered "to watch that the 'Anjuman' does not take part in political matters".

The Maharaja's Government took every possible step to alienate the people of Kashmir from the political awakening in other parts of the sub-continent. No public meetings of any nature or shape were allowed because these meetings could become a vehicle for political education and could lead to political unrest.

These conditions were prevailing in Kashmir by the year 1930. The oppressed people had virtually no opportunity to express their feeling or to voice their opinion; as a result of these conditions the seeds of revolution were observable. Public feelings were simmering beneath the surface; all they required was a spark to ignite them.

In 1930, two epoch-making figures emerged on the scene. Both were educated, young and energetic. The first was Sheikh Mohammed Abdullah, who was the first Kashmiri Muslim to obtain a Master's degree. Because he was discriminated against in getting admission to S.P. College, Jammu, he had to get admission in Islamia College, Lahore, where he benefited from the political awakening in the Punjab. This naturally generated bitterness and rebellion in the mind of the young and ambitious Abdullah. The other man was Choudhry Ghulam Abbas, who was making his way up with the same enthusiasm in the politics of Jammu, the winter capital of the Maharaja.

A group of Muslim students who studied with Sheikh Mohammed Abdullah came back to Srinagar in April 1930, and set up a small Reading Room Group, which appeared on the surface to be non-political, but in actual fact did encourage political discussion and political activities.

When the Government realized that a number of Kashmiri Muslims had returned to Srinagar after graduation, it changed the rules for the Civil Service entrance to erect legal hurdles, in order to deprive them of entry to the Civil Service.

The Government was successful in its attempt, but it provided more fuel for the fire. These young men reached the conclusion that it was a waste of time and energy to negotiate anything with the Government and expect justice and fair play. They decided to achieve their rights through a political movement and by exposing the cruelty and discrimination of the Government.

They soon established contacts with Muslim newspapers in India and wrote lengthy letters explaining the plight of Kashmiri Muslims in Kashmir. At the time when political activities were gaining momentum in Srinagar, Choudhry Ghulam Abbas, with the help of his friends, formed a rather militant group with the name of the 'Muslim young Men's Association'.

Both groups established contacts with each other and decided to collaborate. As a result of this unity, the propaganda against the Government was better organised and appeared in the press regularly. This unnerved the Dogra Government and, like other totalitarian regimes, it banned the entry of many Muslim newspapers.

As this political Movement against the oppression and injustice of the Maharaja Government got off the ground, the Muslim religious element also supported Sheikh Abdullah who, because of his melodious voice and daring speeches, emerged as the most prominent political figure of the Kashmiri Muslims. While the political movement against oppression and injustice was drawing the attention of Muslims in Kashmir and in India, five important incidents took place in quick succession, which provided the spark required to kindle the flames of revolt.

In the first instance, a leading landowner in Udhampur changed his religion to Islam. The Hindu Tehsildar sanctioned a fresh mutation of his lands, eliminated his name and mutated the same in the name of his brother. His complaint was dismissed with the remark that until and unless he changed his faith back to Hinduism, he was not entitled to any property.

The second incident took place in the Digore village near Jammu, where Muslims were forbidden by the local police to hold an Eid prayer on a ground which traditionally had been used for this purpose. The news got considerable publicity and stirred the feelings of Muslims.

The third incident also took place in Jammu, where on 29<sup>th</sup> April 1931, the Muslims said their Eid prayer in a garden owned by the Municipal Committee. After the prayer, Mufti Mohammed Ishaque read a few verses from the Holy Quran relating to Pharaoh and Moses, and explained its historical significance in his Khutba (sermon). When the Imam explained that the Pharaoh was a cruel and tyrannical King, a police Sub-Inspector, Babu Khem Chand, who was on duty there, ordered him to stop his Khutba, as in his view, the Imam had transgressed the bounds of law and was guilty of treason.

The Muslims, politically suppressed and economically strangled, were emotionally disturbed by this interference in their religious affairs. There were protest marches against the Dogra Government in which deep hatred for the rulers was clearly expressed.

The Muslims took the matter to court, where it was dismissed by the Hindu magistrate on the grounds that the Khutba was not part of the prayers. To add to their injury, a large crowd of Hindus were shouting the slogans of 'Khem Chand Zindabad' and 'Hindu Dharam Ki Jai'.

It obviously heightened the public agitation because the Muslims thought that the Magistrate had interpreted the law inaccurately in order to give undue protection to his co-religionist. The Government soon realised that the matter was too serious to be ignored and very wisely went in appeal to the High Court against the order of acquittal. The High Court decided in favour of the appeal and declared that the Khutba was part of the prayer.

The fourth incident happened on 4<sup>th</sup> June 1931, in the central jail, Jammu where it was alleged that a Sub-Inspector deliberately kicked bedding which contained a copy of five chapters from the Holy Quran.

Fazal Dad Khan, who had brought the bedding, protested against this and approached his senior in order to get departmental action against the Sub-Inspector, but nobody took any notice. Disappointed and furious, Fazal Dad took the case to the YMMA (Young Men's Muslim Association) which reacted sharply.

While the agitation was going on against this, the fifth incident took place in Srinagar on 20<sup>th</sup> June 1931, where leaves of the Holy Quran were found in a public lavatory. It is clearly evident that no Muslim could ever dare to do such a malicious and wicked Act.

It was thought that Hindus had done this to outrage Muslims' religious feelings. These incidents further inflamed public opinion. Posters containing the details of these incidents were printed in Lahore and Sialkot (in the Punjab) and smuggled into the State.

Volunteers from the YMMA and the Reading Room Group distributed these leaflets. Mr. Mohammed Ismail was caught while affixing a poster and put in jail. He became the first political prisoner of this movement. News of his arrest spread like a jungle fire and thousands of people gathered outside the jail.

The Inspector General of Police arrived with a large force of police and dispersed the crowd. An announcement was made on behalf of Sheikh Abdullah, who was by now accepted as the leader of the Kashmiri Muslims, to attend the protest meeting at the Jamia Masjid.

According to Mr. Prem Nath Bazaz: *'Kashmiri Muslims had by now become fully acquainted with Master Abdullah. They had begun to think that some miraculous personality had been raised from amongst them who had, after attaining high education, dedicated his life to their service, but most of them had not so far had the privilege of personally seeing him; they were very keen and waiting for an opportunity like this when he was to appear before them. His name had now become associated with many a fable. So when, standing on the stage in Jamia Masjid, he started his speech to the 30,000 crowded present at the meeting with a recitation from the Holy Quran, making an impassioned attack on the confine himself to the question of sacrilege, but also reminded Muslims that they were slaves and impressed on them the necessity of fighting for their fundamental rights.'*<sup>5</sup>

The Government obviously was astounded and worried at this sudden outburst of political activity, but instead of acting rationally, it began a speedy recruitment to the army from its own community and imported arms to combat the emerging danger.

Also, the Government thought that the removal of Sheikh Abdullah from Srinagar would automatically ease the situation; therefore he was transferred to Muzaffarabad as a science teacher in the local Government.

Sheikh Abdullah realized that it was a good opportunity to strike at the autocratic regime, so he decided to resign from his post as a school teacher. He announced his resignation in a public meeting and made a highly emotional speech which electrified the crowd. It was

after this speech that he was called 'Lion of Kashmir' by Moulana Zafar Ali Khan, who was in Srinagar at the time.

The Government's embarrassment and concern could be seen from the fact that Kashmiri Muslims were invited to hold a meeting with Maharaja Hari Singh in order to explain their grievances personally.

The Reading Room Group organised a public meeting at Khangah-in-Mualla in Srinagar to elect representatives from the Kashmiri Muslims. This turned out to be the biggest political demonstration yet in Kashmir; about 50,000 people were present.

At this meeting both religious leaders (Mir Waiz as they were called) decided to sink their differences and join hands in the 'fight against tyrant regime. It was also the first time in Kashmir that women joined such a public meeting to demonstrate their solidarity.

Seven people, including Sheikh Abdullah, were elected representatives. Sheikh Abdullah once again made an emotional speech and took a public oath, by holding the Holy Quran in his hands, that he would never betray the cause of the Kashmiri Muslims.

At the end of the meeting Kashmiri leaders retired to the house in the vicinity of the Khanqah, to discuss their future plans. The people present there refused to disperse and it was at this time that a young man called Abdul Qadeer appeared before the crowd and began to speak in Urdu. His courageous and emotional speech was very much liked and he was given a standing ovation.

Abdul Qadeer was an employee of an English army officer, who was on holiday in Kashmir, staying in a house boat in the Nasim Bagh. He went to the meeting with no intention of making a speech, but once there, he could not control his passions and made an impromptu speech which was recorded as below:

*'Muslim brethren! The time has now come when we should meet force by greater force to put an end to the tyrannies and brutalities to which you are subjected; nor will they solve the issues of disrespect to Holy Quran to your satisfaction. You must rely upon your*

*own strength and wage a relentless war against oppression'. Pointing his finger towards the palace, he thundered: 'Raze it to the ground'.<sup>6</sup>*

Abdul Qadeer was arrested on 25<sup>th</sup> June for treason and when this news was known to the people, there was widespread resentment. Public feeling was running very high, because Abdul Qadeer was not Kashmiri and he merely got into trouble for them. As a result of this public support for Qadeer, the Government decided to hold a secret hearing in the central jail. This provided another reason for protest and there were public meetings condemning Government action and encouraging people to fight against this oppression and injustices.

The next hearing was on 13<sup>th</sup> July 1931, and thousands of Muslims gathered outside the central jail. When the Session Judge entered the building they asked to be allowed in the compound; for obvious reasons the request was refused. At this time, the defence advocate, Maulve Mohammed Abdullah, advised them to remain peaceful and not to do anything which was contrary to law.

The crowd accepted this advice and withdrew from the gate. At 1pm Muslims lined up for their noon prayer and there was nobody unauthorised in the compound. When the Governor arrived and found that earlier some Muslims attempted to enter, he snubbed the police on duty and ordered them to be arrested.

Soon after this foolish order, the police made five arrests; the crowd became agitated and shouted anti- Government and pro-Qadeer slogans. The crowd demanded the immediate release of Abdul Qadeer and endeavoured to force their entry into this compound to hear the proceedings.

The Governor lost his nerve and ordered the armed police to shoot them. The police sprayed bullets (180 in total) to Mr. Wakefield, a Minister in the Government said, '*the wounds of the dead were all in front.*'

Despite this barbarism, the crowd refused to disperse and set police headquarters outside the jail on fire. They put their dead injured in cots and began their protest march which ended in the Jamia Masjid.

Sheikh Abdullah was at home at the time of this tragedy. There were more than 100,000 people gathered to protest against this cruelty. Although they were very annoyed and emotionally perturbed, they still behaved like civilized human beings. In Mr. Wakefield's words:

*'I think everybody is agreed that nobody anticipated that a Kashmiri mob would behave in the way it did and consequently no disturbances were reported.'*<sup>7</sup>

Even after the incident, the response from the Government was poor. They provided no treatment for the injured people; this duty was performed by an English doctor of the Mission Hospital. Soon after the procession reached Jamia Masjid, Martial Law was declared and the city was handed over to the army. According to Justice Saraf:

*'The army rule brought the vilest of cruelties in its train. Rowlat Act brutalities were repeated in the street with greater callousness; Muslims were forced to kiss the Dogra flag, lick the shoes of the soldiers and salute every soldier with the Dogra salutation Jai Dev Maharaja. Many incidents were reported when cavalrymen entered isolated Muslim houses and ravished females.'*<sup>8</sup>

According to official figures 326 people were arrested in connection with incidents which occurred when people defied curfew orders. Immediately, all political leaders were arrested and all road links to Srinagar were closed. Telephone and telegraph communication was also suspended in order to prevent news of the massacre reaching other parts of the State.

While in the Jamia Masjid, Sheikh Abdullah's hand was held by a dying man, who said to Abdullah: *'I have done my duty and now you go on ahead'*. Sheikh Abdullah was very emotional and impressed with this incident; he promised to do his best to achieve the fruit of this struggle for the Kashmir Muslims.

The leaders present there decided to bury all the martyrs in a single graveyard which could be treasured as a place of national pilgrimage. This would not only preserve the sanctity of the day, but also 'enshrine it as a reminder to the coming generations that national salvation lay through sacrifice'.

The place has since become known as Mazar-i-Shodah (tomb or martyrs) and Muslims congregate there every year to pay tribute to them and refresh their memory that freedom dignity could only be achieved by sacrifices.

The Kashmiri Muslims, in defiance of the curfew, began their protest marches throughout the State. The situation in Srinagar and Jammu was particularly bad. There was hardly a day when procession in defiance of the curfew was not taken out. No doubt there was repression and imprisonment, but at last the Kashmiri learnt to make the sacrifices which were required for freedom, dignity and an honourable life.

The revolt of 1931 was soon brought under control, but it opened a new chapter in the struggle for Kashmir freedom. The new chapter was full of bravery, courage and sacrifices. It was a lesson not only for the oppressed Kashmiris, but for the oppressed people of the whole world that liberty and equality could only be achieved through imprisonment and a bloodbath. There is a unanimous agreement that 1931 was a landmark in the Kashmir struggle for freedom.

It was rather difficult for the oppressed Kashmiris, who had been groaning under slavery for centuries, to overthrow the autocratic regime of the Maharaja with one blow, especially when it had the support of the British. The revolt, though unsuccessful, brought the Government to its senses and gave the oppressed people a tremendous boost to fight for their rights.

Sir Dr. Iqbal, a great philosopher and poet, remarked on the events by saying that:

*'One thing which clearly stands out about Sheikh Mohammed Abdullah is that he has completely removed from the Muslims of Kashmir the fear of going to jail or facing the Dogra army. But with your limited resources and, comparatively, the unlimited resources at the disposal of the Dogra Government, you cannot continue like this for a long time; therefore, the only way is to launch a movement in the Punjab and send volunteers from here because the Maharaja's resources would not be sufficient to withstand such a movement over a long period; he will have to seek the assistance of the British Government; and when this assistance is sought and, naturally, made available, that*

would be the appropriate moment for us to demand that if they wanted to intervene in the dispute on the side of the Maharaja, then they must equally ensure that important grievances of the State Muslims were also redressed.'9

During the riots and disturbances, Mr. Wakefield advised the Government to react rationally and find some common ground where the ruler and the ruled could meet.

This advice was in the best interests of the Maharaja, but he was surrounded by prejudiced and short-sighted people, who suggested that Mr. Wakefield was encouraging to bring about the downfall of the Maharaja. The ill-advised Maharaja decided to dismiss Mr. Wakefield and he had to leave the State in disgrace.

Mr. Wakefield was replaced by Hari Kishan Kaul, who was mistrusted by the Muslims. His intriguing character and repressive measures were bitterly opposed and a general strike followed the protest marches. Sheikh Abdullah was arrested again for the second time since July, but he was a completely different man now. He was called Sher-e-Kashmir (Lion of Kashmir) and his arrest brought thousands of people onto the streets again and people courted arrest by shouting anti-Government slogans.

Muslims formed a 'War Council' to continue the agitation. The word 'War Council' was important, as it showed how defiant and determined the once dumb, driven Kashmiri Muslims were. The riots, strikes and demonstrations continued to show their resentment. These no doubt increased the number of deaths and imprisonments, but the agitation, despite all that, continued.

Some Government officials, who included some Muslims and Brigadier Sutherland, persuaded the Muslims to prepare their deputation to see the Maharaja. A group of 3 notable Muslims went to the Palace where they had to wait for two hours before they were ushered in to the presence of the proud ruler. 'Have you started a revolt? Do you want to start a war against my Government?' He harangued the audience with a loaded pistol in his hand; and continued:

*'Listen! If I wish I can skin you alive right now in my presence and there is no-one to prevent me or ask for my explanation. But as I had proclaimed at the time of accession that justice is my religion, therefore, in deference to my commitment, I forgive you. I am fully alive to the difficulties of my subjects; they are like my children. I will enquire into their grievances without any pressure and will redress these, but I would not allow anyone to incite my subjects to rebellion. I shall shoot such persons one by one. Go and tell these people who are assembled at Khanyar to return to their homes. Such persons who are instigating a rebellion against my Government will receive such exemplary punishment that no one shall thereafter have the courage to raise his fingers'.<sup>10</sup>*

Instead of listening to their grievances, the Maharaja very forcefully threatened them with severe punishment. The deputation, whether out of fear or prudence, did not tell the angry mob how they were abused and threatened. They appealed to them to disperse, assuring them that the Maharaja would listen to them. If the mob had found out what had actually happened in the Palace, there would have been violence a blood bath after the police and army shooting.

The next morning, the Maharaja tried to show this power by a military display held in the city. All available soldiers with their arms staged a march-past; every Muslim was forced to salute the flag and raise the slogan of Maharaja Bahdar Ki Jai.

Those who refused to obey these orders were arrested and sentenced to prison. People condemned such Government actions and held protest marches where the demand to free Sheikh Abdullah was repeated. In such a protest demonstration in Anantnag, the mob clashed with police and army and as a result there were 25 killed on the spot.

In another demonstration there were 5 shot dead and many injured. Mr. Prem Nath Bazaz, who was a Hindu liberal leader, said this about these atrocities:

*'As I write these lines, admiration rushes forth from the bottom of my heart, and my head bows in reverence to the unbounded spirit of sacrifice which a large number of men and women, illiterate, unsophisticated and defenceless, manifested humbly, patiently and*

*meekly, by undergoing the brutal torture which was inflicted on them. The present structure of the national movement truly rests on the solid and secure foundation of those sacrifices. These atrocities, though extreme in their severity, did not produce the desired effect'.11*

Eventually Hari Kishan Kaul's pride and self-confidence were shattered and he advised the Maharaja to release all the political leaders in order to calm down this non-stop agitation. On the occasion of his 36<sup>th</sup> birthday, 3<sup>rd</sup> October, the Maharaja ordered the release of all political prisoners, withdrawal of all emergency laws and also the withdrawal of the army to its peacetime positions.

The Government asked all communities to put forward their grievances, and yet only the Muslims were deprived and oppressed. Other communities, like Sikhs, Pandits, Mahajans and Dogras were the ruling communities enjoying privileges similar to those of the European ruling classes in Medieval times.

Anyhow, the Muslims came out with a complete list of suggestions to reform the Government, its constitutions and various departments including the Judiciary, the Revenue and the Services.12

The Maharaja in his reply promised to set up a commission to look into these proposals and grievances. The tone of the letter appeared to be conciliatory. While, to some extent, peace was restored in the capital, the trouble moved to other parts of the State. The State administration almost collapsed in Mirpur, Kotli and Bhimber at the time of the no-tax campaign and British troops were moved into Jammu and Mirpur to maintain law and order.

The All-India Kashmir Committee, which was established after the 13<sup>th</sup> July massacre, conducted a successful campaign for the Kashmiri Muslims, and exerted pressure on the British to intervene to stop the killing of innocent people. It was these exacerbating conditions and this political pressure which forced the Maharaja to appoint a Commission, which is known as the Glancy Commission.

The Commission had the task of looking into the grievances of the community groups in the State, particularly the Muslims, who had serious complaints against the Government. The Maharaja also promised that once the Commission had completed its task, he would

hold a conference under the chairmanship of Mr. Glancy, to consider constitutional reforms. Sheikh Abdullah, in a public meeting held on 13<sup>th</sup> November, welcomed these measures.

The Commission completed its task and presented the report on 22<sup>nd</sup> March 1932 to Mr. E.J.D. Colvin, who replaced Hari Kishan Paul. The Commission made 12 recommendations, of which these are the important ones:

- That certain Muslim religious shrines should be restored to Muslims;
- Complete religious liberty should be enjoyed by every class and community;
- A special inspector of Mohammedan education should be appointed and the number of Muslim teachers increased;
- All communities should receive a fair share of Government appointments,
- All vacancies should be properly advertised;
- There should be decentralised power so that ministers could function properly;
- Certain taxes should be abolished and industrial development should receive the urgent attention of the Government.

The Muslims welcomed these recommendations even though they did not meet their full demands, for example, representation in the Service in accordance with their ratio of the population, and the recruitment of Muslims in the State army, etc. The recommendations were regarded as the first step towards achieving further progress.

The Hindu Pandits, for obvious reasons, were annoyed, because they thought the Muslims got too much. They produced a 141 page document explaining their objections and grievances, but this was ignored by the Commission on the grounds that most of the objections and grievances were baseless.

Now it was the turn of the Hindu Pandits to bring their followers onto the streets, which they did without very much success. After about ten days of small peaceful demonstrations (in which the Government did nothing), they used violence to achieve their aims. The Inspector General of Police, who was an Englishman, gave orders to arrest the agitators and flog them. The agitation lasted a few more days, as they were only in a small minority and many of them saw no reason for agitation.

The Glancy Commission did provide some good and practical solutions for the crises, but the Government, in consonance with its policy, deliberately did nothing to implement the recommendations. This, once again, perturbed public feeling.

The All-India Kashmir Committee, which mainly consisted of Kashmiris who had migrated from Kashmir in order to avoid oppression, decided to send a deputation to the Victory in New Delhi. The deputation, led by Sir Zafarullah Khan, put forward these demands:

1. Immediate implementation of the recommendations made by the Glancy Commission.
2. Increased representation for Muslims on the Glancy Committee on constitutional reforms.
3. Release of all political prisoners.
4. Immediate cessation of the Migration of Kashmiri Muslims to the Punjab.

This meeting took place in April 1932, and before the end of the month, the deputation of the Committee met Col. Colvin, Prime Minister of Kashmir, at Jammu, and made the following demands:

1. Withdrawal of all repressive ordinances.
2. Release of all political prisoners.

3. Impartial enquiry into the misconduct of official at Baramula, Sopore, Handwara, Kotli and Rajouri.
4. Adequate representation for Muslims in the proposed State Assembly.

The State Government could not have completely ignored these demands for two reasons:

1. The Viceroy must have advised the Government to act rationally and make some kind of compromise with the Muslim majority.
2. The Muslims of India, particularly those of the Punjab, felt very strongly about the plight of their Muslim brothers in Kashmir, and since the July massacre, had given them practical help. Apart from writing lengthy and emotional articles in the Press about their conditions, they smuggled in leaflets and sent thousands of volunteers to help Kashmiris, especially during the 'Ahrar's Kashmir Chalo Movement'.

Muslim volunteers came from all over India to Sialkot, where a camp was set up to organize the Movement. It was a kind of invasion; 36,000 volunteers were arrested from Jammu alone. Altogether it is estimated that about 45,000 volunteers entered the State and created a law and order problem. The Maharaja soon realized that he had inadequate resources to meet the challenge of determined volunteers, so he had to seek help of the British.

It would be wrong to assume that only Muslims of India campaigned in favour of their co-religionists in Kashmir and that Hindus of India remained silent. The truth of the matter is that both communities-Hindus and Muslims of British India - made it a Hindu-Muslim struggle and openly helped their co-religionists.

The Kashmiri Muslims, with the help of their co-religionists in the Punjab, started a political movement against the Government in order to get more social and political rights; but the Dogra Government, supported by Hindus from India, wanted to maintain Hindu dominance. The pro-Congress newspaper Tribune, in its editorial on 2<sup>nd</sup> August 1931 writes:

*'The plain fact is that the whole of the present artificial agitation, at the head of which the Committee (All-India Kashmir Committee) has placed itself, is a deliberate and almost undisguised attempt to establish Muslim Raj in Kashmir. Such an agitation must be condemned by all true nationalists in India.'*

The same paper reports that the Hindu Rajputs of Ambala district held a protest meeting on 27<sup>th</sup> July 1931, where the following resolution was passed:

*'The meeting condemns strongly the incessant propaganda of the Muslim press of the Punjab against the Hindu ruler of Kashmir and characterises it as most mischievous, malicious and selfish. This meeting assures his highness that the services of the Rajputs of Ambala district are ever at His Highness' command for the maintenance of law and order.'13*

About 6,000 Hindus, including a batch from a para-military organization, 'Hindu Defence Force Volunteers' which, in secret hideouts, trained its members in the use of firearms, paraded Lahore streets on 20<sup>th</sup> December 1931. The demonstration was to show solidarity with Maharaja. Their slogans were Dogra Raj zindabad and Hindu Dharam Ki Jai.

The Hindu press not only supported the Maharaja, but distorted the basic issues as if there was nothing wrong; and the Kashmiri Muslims were part of a fully democratic and liberal society. The following extract shows that the Muslims had privileges:

*'The Muslims of Jammu and Kashmir enjoy more privileges than the Hindus of the State. Under these circumstances, their feverish preparations for a revolt are the result of a conspiracy. The need of the hour is to annihilate the conspiracy, the ugly forces that are making their appearance in the State ought to be uprooted and destroyed'.*

Another Hindu newspaper writes:

*'If Hindi India really wants to save the State from falling into the hands of Muslims, they will have to give up their complacency and start active struggle, otherwise it will be too late to shed tears of sympathy for the Hindus of the State. It is time to wake up, to get*

*ready and save the Hindu Kingdom which is now lying at the mercy of unclean and brute hordes'.14*

Many more extracts like this could be produced, but there is no need for it. The reason for producing some of these extracts was to show that both Hindus and Muslims of India openly supported their co-religionists, and no community should solely be accused of creating or encouraging trouble.



#### References:

1. Hassan, History of Kashmir, p.654.
2. Saraf, Justice Y., op. cit. Vol. 1, p.343.
3. Ibid., Vol. 1, p.345.
4. Ibid., Vol. 1, p.351.
5. Bazaz, Pandit P.Z., Kashmir Ka Gandhi, pp.37-38.
6. Saraf, Justice Y., op. cit., Vol. 1, p.374.
7. Ibid., Vol. 1, p.377.
8. Ibid., Vol. 1, p.382.
9. Ibid., Vol. 1, p.383.
10. Ibid., Vol. 1, p.406.
11. Bazaz, Pandit, Inside Kashmir, p.56.
12. Saraf, Justice Y., op. cit. Vol. 1, pp.420-431.
13. Daily Milap, Lahore, quoted by Inquilab, 17.7.1931.
14. Daily Partap, 4.11.1931.



### Chapter 3

## The First Political Party – ‘The Muslim Conference’

With the political awakening of the Kashmir people, the leadership decided to form a single political organization which could represent the entire Muslim community of the State. The decision to form a party and its name Muslim Conference was taken in the Central Jail, Srinagar, and where Sheikh Abdullah had discussions about it with Maulana Mohammed Saeed Masoodi.

Anyhow, Sheikh Abdullah, after his release, visited Jammu and had discussions with Choudry Ghulam Abbass, Mistri Yaqub Ali, A.R. Saghar and others. Later a committee was set up to convene the conference, which drafted its constitution and decided to name it the ‘All Jammu and Kashmir Muslim Conference’.

The first meeting was convened on 14<sup>th</sup> October 1932, in the Pathar Masjid, Srinagar, where all Muslims, irrespective of their religious or social differences, gathered to establish a new political platform. According to Taseer, there were about 300,000 people present at the meeting. Sheikh Abdullah was unanimously elected its President and Choudry Ghulam Abbas, General Secretary.

In his presidential address Sheikh Abdullah said: ‘We are extremely grateful to the Muslims of India in general and those of the Punjab in particular, for their unparalleled sacrifices and total sympathy in the course of our trials and tribulations. We are also thankful to the Muslim Press of the sub-continent for having so effectively represented and case. Our movement is not directed against minorities. I assure all my countrymen, be they Hindus or Sikhs, that we shall always try to redress their grievances, but they must also respect our just rights.’<sup>1</sup>

Sheikh Abdullah’s sudden rise and mastery of political scene was not only disliked by the Government and the Hindu Pandits, but certain sections of the Muslim community were also jealous. Mr. Waiz Mohammed Yusaf Shah, whose family was the most powerful and influential in the Valley of Kashmir, only a year previously, felt Sheikh Abdullah over-shadowing his position.

Because of personal rivalry, jealousy, mistrust and egoism, he could not rise to occasion and recognize historical changes which were to benefit the oppressed Muslim majority. This personal dislike, selfishness and animosity resulted in the permanent division of the Muslim Community. Obviously this was in the best interests of the Government, so there was some encouragement given to Mir Waiz, who had already started an anti-Abdullah campaign, while he was in Lahore meeting the Muslim league.

Soon both groups diverged into two hostile camps and there were open clashes between them. In most of these incidents, Sheikh Abdullah's group was the victor. The feelings of the people in both groups were so strong that many persons divorced their wives because of their divided loyalties. It is regrettable that both Sheikh Abdullah and Mir Waiz encouraged their workers to subdue their opponents.

Mir Waiz, who was fast losing influence and popularity, decided to form his own political party in the name of the 'Azad Muslim Conference'. To counter this, Sheikh Abdullah encouraged the other Mir Waiz, Hamdani, to form another organization known as 'Anjuman-e-Ittehad-o-Taraki'.

Mir Waiz Hamdani was religious opponent of Mir Waiz Yusaf Shah and their followers frequently clashed with each other leaving hundreds injured in each clash. Kashmiri Muslims, once divided, paid more attention to defeating each other, whereas when united they were close to their national goal. The 'Azad Muslim Conference' died its natural death within a few years of its birth, because it preached loyalty to the Dogra Government, which was generally hated by the Muslims.

After some delaying tactics, the Government eventually set up a Franchise Committee of 5 men under the Chairmanship of Justice Sir Barjour Dolal. This Committee, which was set up on 31<sup>st</sup> March 1932, recommended in 1933 the setting up of a Legislative Assembly consisting of 75 members. The distribution of seats was as follows:

1. Elected Muslims:	21
2. Elected Hindus:	10
3. Elected Sikhs:	2

4. Nominated Members: 42

It further suggested that the number of Muslim members, including the nominated ones, should not be less than 32; and that of Hindus should not exceed 25, but at the same time 12 of the non-official members could be appointed from any community. This was a device to tilt the representative character of the House in favour of the Maharaja to enable him to have a Hindu majority.

The laws of franchise were very stringent and a large number of Muslims could not vote. To prevent the popular leaders from entering the House, the Government declared that all those who had been tried by a criminal court and sentenced to more than six months imprisonment would be disqualified from contesting the elections for a period of 5 years.

It was evident that the majority of prominent leaders had been to prison on a number of occasions. Even at the time of the election, many prominent leaders including Choudhry Ghulam Abbas were still in prison, as a result of the civil disobedience movement at the beginning of 1934.

Sheikh Abdullah called off the civil disobedience, which began in protest against the killing of 12 Muslims in Islamabad district. Choudhry Ghulam Abbas and his friends wanted to continue the Movement, but Sheikh Abdullah and his friends thought that it would be impolitic to continue it when the election was just round the corner. They thought, if they all went to jail as a result of the Movement, the party would not be in a position to contest the election, and the field would be left uncontested for pro- Government and other undesirable elements.

Sixteen Muslim members and all non-Muslims were returned unopposed and the real election was fought in Srinagar. The polling day was on 3<sup>rd</sup> September 1934 and the contest was between the Muslim Conference and the 'Azad Muslim Conference'. The election gave a shattering blow to the prestige of Mir Waiz, because all his 5 candidates lost badly. This added further bitterness to the relationship of Mir Waiz and Sheikh Abdullah.

The first session of the Assembly was held on 17<sup>th</sup> October; it was attended by the Maharaja and the Prime Minister. The Prime Minister read a proclamation explaining the power of the Assembly, which was almost powerless. The Maharaja retained all legislative power in his hands; he had authority to veto the laws and resolutions passed by the Assembly. He had a prerogative to nominate any member at any time as the member of the Assembly for any particular purpose. The Assembly was not allowed to discuss any matters regarding the army and the Privy Purse.

**Reference:**

1. Taseer, Tarikh-I-Huriat-E-Kashmir, p.313.



## Chapter 4

### A Move towards Nationalism

Hitherto, the politics of the State had been conducted on religious and sectarian lines, though there were some observable trends towards non-sectarian politics as early as 1933.

There were people like Pandit Prem Nath Bazaz, who although a Hindu himself, was an authentic supporter of the rights of Muslims and openly criticized the Government. He was an influential voice for the rights of Muslims on the Glancy Commission.

He later told Sheikh Abdullah that all Hindus were not against Muslim demands and that at least a section of the Hindu Pandits wanted to see the legitimate grievances redressed and a 'progressive Government established in the State'.

In further discussions he agreed with Sheikh Abdullah that the movement for reforms, which started in July 1931, should be conducted on secular, progressive and democratic lines, and that both should work together to achieve the goal of complete freedom'.<sup>1</sup>

Influenced by this thought of politics, the Muslim Conference, in 1933, constituted a sub-committee to find out ways of uniting Hindus and Muslims. Because of many problems and obstacles the committee could not function, but it clearly indicated that a new political idea was gradually emerging in the politics of the State.

Sheikh Abdullah was also influenced by the secular politics of Pandit Nehru, a prominent Congress leader whose forefathers had emigrated from Kashmir. He told Sheikh Abdullah that the best course for the State was to have its politics based on nationalism rather than on communal lines. This change of belief in politics had a great impact on the future history of the State.

Sheikh Abdullah and Pandit Bazaz began a joint weekly journal, The Hamdard, in Urdu in August 1935, to publicise their ideology. It was an important move for the implementation of their

secular ideas. The venture paid off; people, and especially students, began to think of themselves as Kashmiris.

In 1936, students in Srinagar formed a students' organization in the name of 'The Kashmir Youth League'. The next year industrial workers and farm labourers formed an organization called 'The Mazdur and Kisan Sabha' (the worker and peasant party).

Choudhry Ghulam Abbas, who was released after one year's imprisonment, was elected President of the Muslim Conference in its fourth annual session held in October 1935. In his presidential speech he said:

'While forgetting the bitterness of the past, I, on behalf of the Muslims of the State, very sincerely appeal to my non-Muslim countrymen that they should extend their cooperation to us. I assure them that Muslims have no intention to deprive any nation of its legitimate rights and that they are seeking justice for everyone and demand for everyone and demand for themselves only those rights that belong to them. Let us all join together to struggle for the emancipation of our country. I hope the non-Muslim leaders will, in the interests of our country, consider my appeal courageously and honestly. They must rest assured that the real good of their nation also lies in the same.'<sup>2</sup>

After the failure of the second Round Table Conference, which was convened in London to find a political solution to the Indian problem acceptable to all concerned, the British Government of India Act, 1935. The Act provided a limited autonomy at provincial level, and envisaged a loose federation at the centre, consisting of both the British and the princely States.

The Maharaja of Kashmir, who attended the Round Table Conference, supported the view of the Indian National Congress, which in other words meant that there was no objection to joining the Federation. The Congress did not agree with that part of the Act which related to the coming into being of the Federation, but accepted that provinces should be given more autonomy. (For more details see Chapter 6: 'The Cabinet Mission').

The Muslim Conference criticized the Maharaja for this and demanded that he should not commit himself to join any federation

without prior consultation with the representatives of the people. Sheikh Abdullah had the following to say about the 1935 Act:

*'The way the British Statement, while drafting the Constitution, callously ignored the rights of *crore* (80 million) citizens of Indian States, constitutes the darkest page in the dark history behind the enactment of this Constitutes. These eight *crore* citizens have been treated like cattle, whose views and desires have received no consideration at all from the British Government. The right to nominate their representatives has been given to such persons (Princes themselves), of whose ill-treatment they are already tired. If the intention of the British Government in bringing the States into Federation is to secure the support of the States, then it is clear that it can be done only by winning the sympathies of the 8 *crore* inhabitants of the States and not by getting the support of a limited of Nawabs and Maharajas.'3*

The British always had an interest in the Gilgit area because of its strategic position, and since the Communist takeover in Russia, their full control over and extensive build-up in Tashkent, Khiva and Bukhara had astounded the British. They thought that the rising Communist menace was more dangerous than all the Tsar's armies in the past.

Therefore, they leased, from the Maharaja, the Gilgit Agency for 60 years. The lease agreement was signed at Jammu and Mr. Metcalf signed it in Delhi in April 1935 on behalf of the Viceroy, on condition that the Territory should continue to be regarded as part of Kashmir, the flag of His Highness should permanently remain hoisted at the Headquarters of Agency, and that ceremonial salutes should be friend on such occasions as the birthday of His Highness and Hindu religion festivals.

First Legislative Assembly, which was elected for a period of 3 years, expired on 31<sup>st</sup> December 1937. The Muslim Conference, as a political party, was now better organised than at the time of the last election. The Muslim Conference, despite governmental attempts to deprive it of as many seats as possible, achieved 19 seats out of 21, compared with 16 at the time of the previous election. In the remaining seats, two Muslims were elected as independents. They subsequently joined the Muslim Conference Parliamentary Group.

In the year 1938, the new ideology of, Secularism, was generally accepted. Sheikh Abdullah, in his speech at the time of the 6<sup>th</sup> annual session of the Muslim conference, held in Jammu on 26<sup>th</sup> March 1938, openly declared:

*'We must end communalism by ceasing to think in terms of Muslims and non-Muslims when discussing our political problems, and we open our doors to all such Hindus and Sikhs who, like ourselves, strive for the freedom of their country from the shackles of an irresponsible rule. The demand for responsible Government is not meant for 80% Muslims alone, but for all inhabitants of the State; therefore it is necessary to march together with the 20 % non-Muslims. The main task now before us is to initiate a joint action and form a united front against the forces that stand in the way of the achievement of our goal. This will require re-naming of our organisation as a non-communal political party, necessitating amendments to its constitution.'*<sup>4</sup>

The Working Committee of the Muslim Conference held a meeting in Srinagar on 28<sup>th</sup> June 1938, to consider the question of changing the name of the party. After a heated discussion lasting 52 hours, the following resolution was passed:

*'Whereas in the opinion of the Working Committee the time has now come when all the progressive forces in the country should be rallied under one banner to fight for the achievement of responsible Government, the Working Committee recommends to the General Council that in the forth-coming annual session, the name and the Constitution of the organization be so altered and amended that all people who wish to participate in the political struggle are enabled to become members of the Conference irrespective of their casts, creed or religion'.*

According to Mr. Rashid Taseer, some prominent members of the Muslim Conference, including Chaudhry Ghulam Abbas, opposed the resolution. They were asked to leave the party, which they did not.<sup>5</sup>

In August 1938, once again there were processions and agitation against the Government, in which the majority of the non-Muslim Kashmiris did not take part. This stirred up a wave of

Opposition in some Muslim sections against the possible change of the Muslim Conference to National Conference. During this wave of unrest, Sheikh Abdullah was imprisoned. As a result, opposition to the National Conference continued in educated Muslim circles without much hindrance.

When Sheikh Abdullah was released on 28<sup>th</sup> February 1939, he toured the Valley and successfully paved the way for the National Conference. A meeting of the General Council held in Srinagar on 27<sup>th</sup> April 1939; confirmed the resolution adopted by the Working Committee.

Chaudhry Ghulam Abbas and other prominent leaders from Jammu, including Chaudhry Hameedullah Khan and A.R. Saghar, had some reservations about the change of name from Muslim Conference to National Conference. Before the General Council Meeting, there was public meeting held in Jammu, in which Chaudhry Ghulam Abbas said that the difference which he had developed with Sheikh Abdullah regarding the change of the party name and other matters, 'have been resolved, and that in future I will continue to work with Sheikh Sahib for the betterment of all the people inhabiting the State'.

Chaudhry Ghulam Abbas later made another speech in the special session of the National Conference, where he said:

*'Whatever we did so far was well and good, but now our needs have increased, and to put an end to the unresponsive character of the Government, it has become necessary to bring all the communities onto a common platform. The political robes which we donned eight years back have not only grown old but have also become outworn and threadbare. We now need to wear robes which could be a source of pride for us as well as a matter of pride in the eyes of the world. Those Muslims who are opposing the move to rename the Muslim Conference as the National Conference are the same people who have hitherto been opposing the Muslim Conference (reference was made to Mir Waiz). The important goal of the National Conference is to protect the interests of all communities and it will, therefore, protect the political and religious rights of Muslims. My nationalism is to live and let live'.<sup>7</sup>*

Despite the laborious work and show of unity there was no unanimous decision in favour of the National Conference. People like Choudhry Hameedullah Khan, Ghulam Haider Gori, Maulve Mohammed Abdullah Advocate and a few others, strenuously opposed the resolution. According to Bazaz, out of 176 delegates, only 3 voted for the resolution.

In fairness to Choudhry Ghulam Abbas it is pertinent to note that he was rather apprehensive that Hindu elements might drag the party into the fold of Congress; this would mean the sacrifices the Muslims had given for the protection of their rights had been wasted.

He expressed his fears to Sheikh Abdullah and Pandit Bazaz, and both solemnly declared 'that it would be most harmful and dangerous to bring the struggle of the Kashmir people under the influence of any outside organisation', and that 'the organization should keep aloof from the Indian National Congress as well as the Muslim League'.

At Anantnog on 30<sup>th</sup> September 1939, the National Conference held its first session, at which Choudhry Ghulam Abbas and Choudhry Hameedullah Khan were present. The Conference adopted a resolution embodying the national demands proclamation issued on 29<sup>th</sup> August 1938.

In the same session, the Conference adopted its new flag. Some sections of the Muslim community regarded Sheikh Abdullah as a man who was gradually moving away under the influence of the Hindus and beginning to ignore the interests of Muslims.

In an attempt to show that he was still a true Muslim who cared for his co-religionists, Sheikh Abdullah, on the Eid-e-Milad-u-Nabi (the birthday of the Prophet Mohammed, peace be upon him), which was celebrated on 24<sup>th</sup> April 1940, made a comparison between Islam as the sun and other religions as stars.

The reaction of the Hindus was bitter and swift. They interpreted it as the ultimate victory of Islam over Hinduism on the ground that 'the appearance of the sun heralded the disappearance of the stars'. Stormy protests and condemnations demonstrated the superficiality of the apparent unity of thought and actions. It also

suggested that to them a good 'nationalist' Muslim is one who does not practice Islam.

Pandit Nehru, the leader of the Indian National Congress, and Khan Abdul Ghaffar Khan came to Srinagar on 30<sup>th</sup> May 1940, on a ten day tour of Kashmir. The main purpose of the visit was to encourage Hindus of the State to join the ranks of the National Conference, and also to develop personal friendship with Sheikh Abdullah.

He had no success in attaining the first objective, as Hindus remained adamant that the Conference was vehicle to bring the 'Muslim Raj' in the State. This had a very adverse effect on the standing of the National Conference on the eyes of the Muslims; even Sheikh Abdullah and his senior colleagues were disappointed. However, Nehru hit the second target right in the middle -- he won the friendship of Sheikh Abdullah, which was going to have a great impact on the future of the State.

Later, Pandit Kauyshup Bandhu, Hindu leader of the National Conference, had an argument with Sheikh Abdullah over his statement about Islam being the sun and other religions stars. Sheikh Abdullah replied that he was 'a Muslim first and a Muslim last'.

The matter was referred to the Working Committee where Sheikh Abdullah was asked: if he was a Muslim first and last, 'why then are you a nationalist?'

Sheikh Abdullah said he was 'a nationalist because the Quran tells me to be a nationalist'.

He was asked: 'Sheikh Sahib, if some day you come to know that the Quran tells you not to be a nationalist, what will you do?'

To this Sheikh Abdullah replied 'I curse such nationalism which is not permitted by the Holy Quran'.<sup>8</sup>

Pandit Kayshup Bandhu resigned because of the controversy. This further weakened the belief that Hindus and Muslims could work under one party banner, despite different religions and conflicting interests. This belief was further hampered when Sheikh Abdullah, in keeping with the traditions of his party, began his preparation for the

Martyrs' Day, i.e. the commemoration of the people killed on 13<sup>th</sup> July 1931.

There was a strong opposition from Hindus on the grounds that they had nothing to do with the events of July 1931; and that it was anti-Hindu, therefore, they could not participate in it. Sheikh Abdullah, despite this opposition, proceeded with his programme; but naturally this resulted in both having qualms.

By mid-1941, Sheikh Abdullah was frustrated with the nationalist creed, and he realized that he had not been successful in attracting non-Muslims, but had 'lost the ground he so solidly held among Muslims'. His frustration could be noticed from the speech of 28<sup>th</sup> July 1941 in Srinagar, where he said:

'In a country like Kashmir, where a Kashmiri Pandit cannot even tolerate the construction of a bathroom by Muslims on the banks of the Jhelum, what is the use of preaching nationalism? People who cannot even tolerate the washing of hands and faces by us on the banks of the Jhelum (river) surely cannot be united with us'.<sup>9</sup>

The question arises here: if Sheikh Abdullah was completely disillusioned with the idea of nationalism based on secular principles, then why did he put all his eggs in the basket of secularism? Was it that he still hoped that the concept of Muslim-Hindu unity could work; or had he been treated maliciously by the pro-Muslim League Press, especially after the partition of India?

There was a large group of Muslims who strongly believed that the Hindus and the Muslims were two distinct nations, which had lived in opposition to each other for centuries. They had never inter-married; nor did they share each other's food. Their culture, customs, dress and even habits were different from each other.

These Muslims believed that only they could earnestly and adequately fight for their rights; and that joint ventures with Hindus could not be fruitful, because of the conflicting interests and half-hearted support of the Hindus. This was why there was resentment among Muslims at the time of renaming the party.

Both within and outside the party there were groups which disliked the idea of a National Conference, but since all the national leaders were mesmerized by the new creed of nationalism, there was absolutely no-one capable of organizing these individual and separate groups into an effective political force. As disillusionment with 'nationalism' gradually became clear, individual groups, as well as some people in the National Conference, began to think of reviving the old 'Muslim Conference'.

While a group of Kashmiri Muslims was endeavouring to come out of the political wilderness, the Muslims of British India were about to make a historic decision, under the energetic leadership of Mohammed Ali Jinnah.

The Muslim League was a dying horse until the mid-1930s, but when Mohammed Ali Jinnah became its President in 1937, it was in the race for the political mastery of India. Under the new leadership the League was given new directions and a new task.

March 23<sup>rd</sup> 1940 was an epoch-making day; it was on this day when the League passed its historic 'Pakistan Resolution' in Lahore, which was going to have a great impact on the history of India. This historic session was attended by two Kashmiri Muslims, Professor Ishaque from Jammu and Professor Aziz from Srinagar.

Later, on 6<sup>th</sup> October, a deputation of the All-India Muslim Education Conference came to Srinagar to investigate the state of Muslim education. They had a very good reception from the people and a remarkable change of ideas.

The Muslim League noted with concern that the National Conference and Sheikh Abdullah had almost become 'stooges' of the Indian National Congress and, therefore, they encouraged the Muslims to revive the old Muslim Conference, and hence to safeguard the rights of Muslims in Kashmir.

The close co-ordination between various individual groups which opposed the National Conference and the support of the League resulted in a meeting on 10<sup>th</sup> October 1940, in which it was decided to revive the Muslim Conference. After a political companionship of nearly a decade, Sheikh Abdullah and Choudhry Ghulam Abbas had to

separate and begin their political journey on different and opposing platforms.

The National Conference was about to get entangled in the internal conflict over the language issue. For many centuries the State's official language had been Persian and all Kashmiris, non-Muslims and Muslims alike, were very conversant in it.

In 1898, however, the Maharaja Partap Singh replaced it with Urdu, because some of his key men were Punjabi Hindus. Since Persian and Urdu was spoken and written throughout the State. With growing Hindu nationalism in India, and a man like Gopalaswami Ayyenger as the Prime Minister of the State, there was move to take 'drastic measures towards the cultural genocide of the Muslims by compelling them to learn Hindi', a language used by a small minority of Hindus.

Another reason for its imposition was that 'Urdu being the State's official language, large sections of non-Muslims were not attracted by Sanskrit or Hindi', and Hindu nationalists did not want their future generations to be brought up under the influence of the Urdu language. According to research done on Indian languages by a French scholar, Dr. Ban, there were, in 1900, 82.5 million Urdu speakers, compared with only 17 million Hindi speakers'.<sup>10</sup>

There was widespread resentment against this in Kashmir, and the first one to oppose this was the General Secretary of the National Conference, Maulana Mohammed Saeed. Other prominent leaders soon followed him, and the meeting of the Working Committee was held in Srinagar on 28<sup>th</sup> November 1940, in which this move was strongly condemned.

It was considered 'ill-conceived, mischievous and definitely anti-national'. President Bazaz suggested that the Government might be asked to make the knowledge of both the scripts compulsory for all students, whether Muslim or non-Muslim.

This suggestion was rejected and Pandit Bazaz resigned in protest from the Working Committee. In January 1941, Sheikh Abdullah dissociated himself from the weekly Hamdard which he and Pandit Bazaz had managed for so many years. Relations between the two further deteriorated when Sheikh Abdullah, in the General Council

meeting held in Srinagar on 25<sup>th</sup> May 1940, strongly criticized Mahatma Gandhi, and Pandit Bazaz walked out in protest while he was still speaking.

In the State Assembly, Choudhry Hameedullah Khan, who was now a member of the Muslim Conference, moved an adjournment motion demanding cancellation of the script order. He said that the Hindu Prime Minister wanted to destroy Muslim culture, but the Muslims were awake and determined to frustrate these efforts. He was supported by the members of the National Conference, but still the motion was disallowed and 17 out of the 21 elected Muslim members walked out. Later the National Conference asked its members to resign in protest, which they did without hesitation.

It was this agitation and political pressure which forced the Government to appoint 'The Royal Commission of Inquiry' under the Chief Justice, Ganga Nath, on 14<sup>th</sup> July 1943. The Commission consisted of twenty members, of whom only six were Muslim, and the first meeting was held on 19<sup>th</sup> August. The National Conference and the Muslim Conference boycotted it by saying that it was 'mere eye wash', and they could not look after the interests of the Muslims.

Because of their boycott, the Commission lost much of its importance. On 27<sup>th</sup> October 1944, the Chairman of the Commission placed a copy of the report before the members and asked them to sign it. The members wanted to discuss each paragraph and then stamp their approval, but this was unacceptable to the Chairman, and the members walked out in protest.

World War II dominated the attention of the British Indian Government, because British India and Princely India were fully participating in the war on the side of Britain. At a time when the British most wanted the co-operation of Congress and the Muslim League, the former decided to sabotage the war effort by the 'Quit India' and Civil Disobedience Movement.

An ex-president of Congress, Subash Chandra Bose, secretly fled from India and with the help of the Japanese formed a parallel Government in Singapore. He established an Indian National Army to liberate India from the British; and mainly recruited prisoners of war from the British Indian Army.

The League, on the contrary, extended its full support to the British War effort and naturally won some political credit. With the war came shortages of food, fuel and other necessities.

The situation in Kashmir was grave, as these things were already scarce there. There were demonstrations and riots against this, and the Maharaja's Government had only one solution to these problems and that was to disperse the processions either by a police lathi charge (beating with big sticks) or, in the last resort, shooting. There were many such incidents, and this time the victims included Muslims and non-Muslims alike. There had been innumerable incidents of the police and the army shooting innocent people.

Mr. Gopalaswami Ayyengar was removed from his position as the Prime Minister of Kashmir on 9<sup>th</sup> April 1943, mainly because he was disliked in the State and the British Viceroy wanted him to go. The Viceroy felt obliged to recognize the war effort of the Muslims, especially the Muslim League, and therefore could not ignore the repeated requests made to him.

He was replaced by Sir Maharaja Singh, an Indian Christian, who became a Governor of Bombay after the Partition. His appointment was welcomed by all sections of the community, but the bureaucrats soon began to poison the ears of the Maharaja, because of his endeavours to oil but bureaucratic machinery.

Within a few weeks, his popularity was touching new heights, and deputation after deputation was visiting him without much of a problem. All this was getting too much for the Maharaja to digest, and when the Lady Maharaja Singh paid an unannounced visit to the women's hospital, Rainawari, and gave her blood to a poor village girl, his patience was exhausted.

The Maharaja said to him that he and his wife should not mix too much with the people. Sir Maharaja Singh, who was a man of honour and dignity, tendered his resignation on 26<sup>th</sup> July 1943.

The Maharaja appointed Sir Kaliash Haram Haksar, a man of considerable experience, who believed in strong arm rule, in which moral values and the people did not count. The concept of modern

democratic rule was alien to him. He proved to be too stringent. It was the first time in the history of the Dogra rule in the State that even the Dogras were slaughtered. The Maharaja obviously could not keep him, because during his short rule he shattered the confidence of traditionally and sentimentally pro-Government Dogras.

Congress, especially Nehru, exerted pressure upon the Maharaja, Hari Singh, to co-operate with the National Conference. The move was to counter Muslim League penetration in the affairs of Kashmir. When the Maharaja returned from Europe in July 1944, he was assured that the National Conference was not opposed to the dynasty, and that including Sheikh Abdullah, they were prepared to accept him as constitutional ruler. He was persuaded to receive a public ovation in the streets of Srinagar, and the National Conference and the Hindu Pandits were endeavouring to take the lead in the preparation, and it was the first time since 1931 that the Maharaja was going to go on a round in the State amidst his people. The Muslim Conference and Mir Waiz Yousaf Shah did not want to be left behind in demonstration of loyalty to the Dogra Government, so they also made hectic efforts to welcome the autocratic ruler of Kashmir.

However, after the welcome celebration, the Maharaja issued a proclamation to appoint two popular Ministers, one Muslim and the other Hindu – and the Maharaja would select any two of them. The Muslim Conference also wanted to enter the race, but on the advice of Mohammed Ali Jinnah, who was called Quaid-e-Azam, they kept away from the contest, because in Mr. Jinnah's view it was pre-decided who would be selected as Ministers. Mirza Mohammed Afzal Beg was given the Construction Department and Ganga Ram was given the education Department, despite being 'semi-literate' himself. The partnership of the National Conference with the Government did not last long and Mirza Afzal Beg resigned in March 1946.

**References:**

1. Saraf, Justice Y., op. cit., Vol. 1, p.509.
2. Taseer, op. cit., pp.341-342.
3. Ibid., p.350.
4. Ibid., p.361.
5. Ibid., p.367.
6. Saraf, Justice Y., op. cit., Vol. 1, p.530.
7. Al-Islah, 16<sup>th</sup> June 1939; Saraf, op. cit., Vol. 1, pp.531-534.
8. Al-Islah, 1<sup>st</sup> August 1940, Saraf, op. cit., Vol. 1, p.546.
9. Saraf, Justice Y., op. cit., Vol. 1, p.547.
10. Ibid., Vol. 1, p.562.



## Chapter 5

### Jinnah Visits Kashmir

Despite persuasion by Congress and Nehru in particular, the non-Muslim minority of the State did not cooperate with the National Conference. Sheikh Abdullah was determined to continue with his ideology of Nationalism, and this divided the Muslims of Kashmir.

A small number of Pandits who joined the party later began resigning over various disagreements. Pandit Jia Lal Killam, a prominent jurist in Srinagar, resigned from the National Conference and became the President of the Sanatam Dharam Yovak Sabha, the rabid anti-Muslim platform of Kashmiri Pandits. The most vocal of these organizations was the Hindu Raya Sabha which publicity advocated the conversion of Muslims and the establishment of an orthodox Hindu Raj.

The following incident indicates their intention: A Christian who had years ago been converted from his original Hindu faith was reconverted to Hinduism. A big function was held at Shital Nath, Srinagar, on 6<sup>th</sup> July 1941, to solemnize, as a national festival, his reconversion. The incident was given wide publicity by the Hindu press, accompanied by inflammatory articles against other religions and their followers.<sup>1</sup>

In 1942, When a Dogra girl, Anar Devi, along with her father, embraced Islam and married a Muslim constable, there was hostility from the Hindus, despite her being an adult (22 years old) and well-educated (a teacher). She was kidnapped. After agitation from Muslims, she was handed over to the Hindus. After being handed over, to the astonishment of the Muslims, she disappeared. Rumours were that she was killed by Hindu fanatics.<sup>2</sup>

Since 1941, the Rajya Sabha and other Hindu organizations launched a campaign against the Muslims, by condemning Islam and distorting the history of Muslims. Hindus were urged to boycott Muslims socially and economically and not to buy anything from them. A leading Hindu leader, Khushal Chand Khursand, visited Srinagar in October 1941, and said in a public meeting:

*'Hindu should make every possible sacrifice for the protection of the Cow and the Hindu script. Hindu lawyers should dismiss from service Urdu-knowing clerks and appoint in their place Hindi-knowing clerks only. They should also write down all applications in connection with their court work in Hindi. No-one living in India has a right to call himself a Muslim or a Christian or a Sikh; all persons living in India should be called Hindu just as people living in Iran are called Iranians.'*<sup>3</sup>

Another leading member of the Ranjya Sabha, Mr. Kanwar Chand Kiran Sharda, made a speech in Noshera in June 1944. He said:

*'I want to tell those Hindus who have joined the National Conference that Kashmir Raj belongs to Hindus and they have acquired it by force of arms. It is not possible for us to mix with people who say their prayers five times a day by looking towards the Kaaba. The Hindus of the State should not think they are alone. The 75% population of India consisting of Hindus is behind you. Kashmir is the tilak (round mark on the foreheads of Hindu women) of Bharat Mata's face. Our country is one and indivisible. We shall not allow it to be partitioned into Pakistan and Hindustan. Those who will try to break the country into pieces shall be broken into pieces by us.'*<sup>4</sup>

The 8<sup>th</sup> session of the Hindu Rajya Sabha was held in Muzaffarabad on 19<sup>th</sup> May 1945, where Mr. Vaishnu Gupta, in his presidential address, said:

*'Hindu religion is the best in the world. Hindu philosophy is similarly the best philosophy in the world. Hindu civilization is the noblest civilization and Hindu blood is more pious and precious than every other blood anywhere in the world. A Hindu who feels like that can never feel proud in joining hands with those who are inferior to them. Hindu can grant protection to others; he can be good to them and can take them under his protection, but he cannot enter into any agreement with them which may place them on an equal footing.'*<sup>5</sup>

When these incidents and speeches were reported in the press, the Muslims in the State reacted very strongly, but the Government immediately imposed rule 50, Kashmir Defence Rules, banning the holding of meetings or taking out of processions. Even the National

Conference was annoyed with the speeches, and its official newspaper Khidmat reacted bitterly.

It is clearly evident from the above quotations that the Hindu-Muslim rivalry in British India and the virulent propaganda of the two factions against each other, eventually influenced the politics of the State. This shattered the foundation of the apparent unity between the Hindus and the Muslims.

Furthermore, it suffocated the newly born Kashmiri nationalism and the Kashmiris began their political journey on communal lines. Though the National Conference virtually lost its 'nationalist' character, it was still the biggest and the most influential Political party in Kashmir.

Sheikh Abdullah still enjoyed support. People regarded him as their 'Saviour', who had personally suffered for their greater good. In the Muslim Community, Mir Waiz and the Muslim Conference were regarded as his political opponents, but people noticed that the former's opposition was mainly personal rivalry and the latter could not break the mould of Kashmir politics mainly because of Sheikh Abdullah's popularity with the masses. The educated class opposed him, but they were regarded as 'the voice of those who wanted services and promotions at the cost of sufferings by the masses'.

As the non-Muslim forces began to unite against Muslims in the State, Sheikh Abdullah also felt the need to attempt a re-unification of Muslims. Accordingly, he invited Mr. Jinnah Quaid-e-Azam to Srinagar in order to bring about a compromise between the Muslim Political parties.

The Quaid-e-Azam arrived in Kashmir in May 1944, for the third and last time. Previously he had visited Kashmir for holidays in the late 1920's and in 1936. The first two visits went largely unnoticed, but the third one was an important one. He was accompanied by Choudhry Ghulam Abbas (Muslim Conference) and Mir Waiz Yusaf Shah, and arrived in Srinagar on 10<sup>th</sup> May. He was given a hero's welcome as the leader who was born to change the destiny of millions of Muslims in India. In his own words he said:

*'I thank you all for the royal welcome accorded to me, but it was not meant for my person; it was meant for the all-India Muslim League of which I am the President. By it you have honoured the Muslims of India and their party, the Muslim League'.*

This is what he said to nearly a hundred thousand people who came to greet him in the Partap Park. He continued: *'If your objective is one, then your voice will also become one. I am a Muslim and all my sympathies are for the Muslim cause'*.<sup>6</sup>

There were several meetings between the Quaid-e-Azam and the leader of the National Conference and the Muslim Conference. The Quaid-e-Azam wanted Kashmiri leader to unite in order to safeguard their interests. Both parties had deep-rooted difference emerging from the opposing political ideologies and, moreover, the personality clash.

The Quaid suggested a joint meeting of both parties, which was opposed by Choudhry Ghulam Abbas, who proposed to see Sheikh Abdullah alone to spare the Quaid-e-Azam and the League some likely embarrassment if the proposed joint meeting was a complete failure. On the insistence of Choudhry Ghulam Abbas, the proposed joint meeting was cancelled and a meeting between Sheikh Abdullah and Choudhry Ghulam Abbas took place.

It was the first time both leaders had come together since they parted in 1940. Not much was expected from this meeting because both leaders had strong convictions and each treated the other as a political enemy. Choudhry Ghulam Abbas sought the dissolution of the National Conference so that the Muslims of the State could unite under the banner of the Muslim Conference and protect their rights. This was not acceptable to Sheikh Abdullah, who believed in the national representative character of the National Conference. As expected, the meeting was a complete failure.

It is claimed by some individuals that Choudhry Ghulam Abbas wanted to avoid embarrassment to himself rather than to the League or to the Quaid-e-Azam. Had the proposed joint meeting proceeded as initially planned, it was, after all, difficult for both leaders to resist the logic and sincerity of the Quaid-e-Azam, especially in a face-to-face meeting.

In the eyes of the Quaid-e-Azam, it looks as if there were some basis for compromise, or at least for improving the existing situation. Having had several meetings with both leaders, he considered a joint meeting appropriate. But this opportunity was wasted because of Choudhry Ghulam Abbas' short-sighted selfishness. Presumably he knew that in the event of a compromise which could end up having one political party, his position would be overshadowed by the personality and popularity of Sheikh Abdullah, who was known as the Shere-e-Kashmir (Lion of Kashmir).

It is argued that the Muslim Conference High Command presumably knew that Mirza Afzal Beg and Mualana Saeed, who were very close to Sheikh Abdullah and influential in the National Conference, were as much anti-Congress as any of the Muslim Conference leaders, and ardent supporters of Pakistan. Why is it that the Muslim Conference leadership made no effort to contact them or to use them for internal pressure against Sheikh Abdullah for the unity of the Muslim or the State?

After the failure of parleys between Sheikh Abdullah and Choudhry Ghulam Abbas, the Muslim Conference leadership made sure that neither Sheikh Abdullah nor any of his friends got any opportunity to see the Quaid-e-Azam. Hence, the people of Kashmir, because of their internal conflicts, lost this opportunity. They could not take much advantage of the presence of the Quaid-e-Azam in Kashmir, who was considered to be the symbol of Muslim unity and the champion of Muslim rights in the Indian sub-continent.

During his stay in Kashmir, the Quaid-e-Azam made several speeches and met many delegation and individuals. The Muslim League and the Muslim Conference had many things in common. Both were endeavouring to achieve more rights for the Muslims and to protect their interests; both disapproved of the nationalist character of the Congress and the National Conference. Because of this common interest, the Quaid-e-Azam had a soft spot for the Muslim Conference and its leader, Choudhry Ghulam Abbas; this is not to suggest that he had any animosity either against Sheikh Abdullah or his party, the National Conference.

In his speech made on 17<sup>th</sup> June 1944, at the Jamia Masjid where he addressed the annual session of the Muslim Conference, he said:

*'I have heard of your problem of oppression and hardship. I have found that among the people who meet me, 99% supported the Muslim Conference. So far as the National Conference is concerned, I do not know how it can succeed in its aims. As regards how much time has elapsed since it was brought into being, I was told that it had been set up six years ago and that a few Hindus and Sikhs had joined it. I told them that if, over as long a period as six years, Hindus and Sikhs have, on the whole, kept aloof from the National Conference, who else remains there except Muslims? I was then told that even if Hindus and Sikhs are not there, the Conference doors should remain open for them. I told them that if, after remaining open for six years, it has served no purpose, what was the necessity of keeping them open? In my view, it was a mistake, the result of which would be, that the Muslims would be divided into two camps, which would bring about tension between them. I assure you that despite the Muslim League policy of non-intervention in the affairs of Indian States, the services and support both of myself and of the Muslim League is at your service. The destination is before you. What is needed is unity, a common platform, a common flag, and an honest, sincere spirit of service. I have no doubt you will succeed'.7*

*In another conversation, the Quaid-e-Azam commented: 'had the Hindus and Sikhs made a common cause with you and joined the National Conference, the Maharaja could not resist your demand for responsible government, even for seven days'.8*

These quotations clearly indicate that the Quaid-e-Azam, for all his logic and sincerity, was not completely impartial in his dealings with the Kashmiri leaders. Consequently, Sheikh Abdullah writes in his autobiography:

*'I told Mr. Jinnah Sahib that you are the undisputed leader of the Muslims of British India. However, you have supported the Maharaja's government in the State, and it is best you leave us alone and stay aloof from local affairs'.9*

In another conversation, Sheikh Abdullah said to the Quaid-e-Azam that *'The Jammu and Kashmir State has 85% Muslim majority. The situation in British India, where he was leading a minority which required security, was entirely different. I further told him that*

experience has proved that the initial problem is not the confrontation between religions, but that between groups in an economically divided society. There are those who exploit and those who are exploited. So the struggle is not against individuals; rather it is against an oppressive system in which we all have to participate, irrespective of religion. And the benefit of this struggle and the programme which we want to follow well be for the whole community'.<sup>10</sup>

The Quaid-e-Azam later said to Sheikh Abdullah, 'I am like your father, I have been in politics for a long time and my experience is that Hindus cannot be trusted. They can never be your friends. I have tried all my life to win their friendship, but I have been unsuccessful. A time will come when you will regret what has happened!'

He added, 'How can you trust a nation which regards the Muslims as impure, and even refuse to drink water given by a Muslim because they think it is a sin'. He cited an example: when he was having an afternoon meal with his wife in a restaurant in Bombay, a servant brought a visiting card from a Hindu leader, Pandit Madua Mohin Malvi. Jinnah invited him to join their meal, but Pandit Madau refused saying, 'you know I cannot sit and eat at the same table for religious reasons.'

Jinnah said, 'You can eat on a separate table', but the reply was, 'I still cannot eat, as both tables are on the same carpet and the impurity filters up to this table'. Jinnah then removed the carpet so that Pandit Madau could have meal. Jinnah completed this incident by adding: 'How could you live together with a nation whose leaders believe in this philosophy!'<sup>11</sup>

This conversation proves that both leaders – the Quaid-e-Azam and Sheikh Abdullah had difference of opinion in many matters. This is why he was out of favour and Choudhry Ghulam Abbas was projected as the undisputed leader of Kashmiri Muslims. In reality, Sheikh Abdullah was far more popular and loved by the Kashmiri people, though his political ideas and programme did not materialize and he was proved wrong.

Perhaps it was too much to ask or expect from the Quaid-e-Azam to be completely impartial when dealing with the National Conference and the Muslim Conference. He was demanding the

partition of British India on the basis of the Two Nation Theory and openly rejected the 'nationalism' of the Indian Congress. He could not have a contradictory position in Kashmir because if 'Nationalism' was unacceptable in British India, it must also be unacceptable in Kashmir or else he would have been accused of double standards.

As the Quaid-e-Azam began to speak in favour of the Muslim Conference and openly criticized Sheikh Abdullah and his party, Sheikh Abdullah retorted and held several meetings in which he clarified several points and criticized the Quaid-e-Azam. There were minor clashes between the workers of the Muslim Conference and those of the National Conference. When these incidents were reported to Quaid-e-Azam, he issued the following statement:

*'I regret that although Sheikh Abdullah and his party and the Muslim Conference discussed matters with me in Delhi and Lahore before my arrival here, and were good enough to accord me a great reception and were anxious that I should hear both sides and bring about a settlement, when I, after consideration, suggested the Mussalmans should organize themselves under one flag and on one platform - not only was my advice not acceptable to Sheikh Abdullah, but as is his habit, which has become a second nature to him, he indulged in all sorts of language of a most offensive and vituperative character in attacking me. My advice to the Mussalmans is that the differences can only be resolved by argument, discussion, exchange of views and reason, and not by Goondaism, and the one thing to which I must draw the attention of the Kashmir Government is that Goondaism must be put down at any cost, and there should be a constitutional liberty of speech and freedom of thought which is the elementary right of every citizen under any civilized form of government'.<sup>12</sup>*

Although the Muslim Conference enjoyed the full support of the Quaid-e-Azam and the Muslims from all over India had a great respect for him, the Muslim Conference leadership could not reap much benefit from the visit. Passions and enthusiasm created by the visit soon faded away after the Quaid's departure from Kashmir. Most of the leadership and party leaders retired to their homes and rarely went out to tour the Valley and win the public support, and lost initiative and impetus provided by the great leader. Pandit Prem Nath Bazaz, the famous Hindu leader, writes:

*'It speaks of the inefficiency, timidity and short-sightedness of the Muslim Conference leaders that they should not derive any advantage out of the consequences of the bombshell which Jinnah had thrown on the citadel of nationalism. They were perfectly complacent and thought that the Nationalists had been crushed by Jinnah's verdict and could never rise again. What is worse, the Nationalists decided to participate whole heartedly in the public reception for the Maharaja; they were afraid that their non-cooperation would prove suicidal. Incredibly enough, within a week after Jinnah's departure, the Muslim Conference leaders were rivalling the Nationalist leader in huge preparations to receive the Maharaja in a procession through the streets of Srinagar. Jinnah's verdict seemed to have been wiped out of memory and the country seemed pulsating with sentiments of loyalty towards the throne of the alien Hindu ruler'.<sup>13</sup>*

### References:

1. Saraf, Justice Y., op. cit., Vol. 1, p.604.
2. Ibid., Vol. 1, p.604.
3. Ibid., Vol. 1, p.605.
4. Weekly Javed, 2<sup>nd</sup> November 1944; Saraf, op. cit., Vol. 1, p.606.
5. Al-Islah, June 1941; Saraf, op. cit., Vol. 1, p.607.
6. Ibid., Vol. 1, p.624.
7. Ibid. Vol. 1, p.629-632.
8. Ibid., Vol. 1, p.624.
9. Abdullah, Sheikh, Atish-E-Chinar (Autobiography), p.314.
10. Ibid., p.308.
11. Ibid., p.310.
12. Saraf, Justice Y., op. cit., Vol. 1, p.637.
13. Bazaz, Pandit, Struggle for Freedom, p.215.



## Chapter 6

## Britain after the War

'We can with safety make one prophesy: whatever the outcome of this war, the British Empire is at an end. It has been mortally wounded', Adolf Hitler. (The Testament of Adolf Hitler, London Cassell 1961)

The gradual decline in British status, military and economic strength, began a long time before it actually became apparent. The world at large realised the impotence of British military and economic muscle during the Second World War, but in Andrew Gamble's words, it began a long time before:

*'Britain has been in decline for a hundred years. The decline has been the central fact about British policies for a century, a major preoccupation of its political intellectuals and intermittently, but increasingly, of its political leaders. Two processes stand out the absolute decline in power and status of the British Imperial state, and the relative decline of the British economy of its rivals'.1*

In other words, the war not only established the military and political ascendancy of Soviet Russia and the United States, it also exposed the weakness of the British Empire. British naval power was no longer sufficient to protect it and parts of the Empire, particularly India, could not be retained very long against the wishes of the two superpowers and ever increasing nationalism.

The war also forced Britain to accept American leadership in the new world economic and political order, and to act as a junior partner to combat the threat of Communism. In order to get a loan to pay for desperately needed imports, Britain had to agree that she would not seek to re-introduce Imperial preference and discriminate against American goods in Empire Markets; and that sterling should be made convertible at the earliest opportunity.<sup>2</sup>

This clearly indicated that Britain was treated as a 'defeated nation', despite having been victorious in the actual war. It also

indicated that Britain was under American pressure to liquidate the Empire.

Later events proved that the USA and the USSR have not only originated and defined most international issue, but have also take the diplomatic and military leadership in dealing with them. Whether concerned with military policies, the fate of Germany, the security of Europe, or disarmament, the two major factors in each case have been the Soviet Union and the United States.

The fate of millions of people throughout the world depends on decisions made in Moscow and Washington, and because of their veto, the United Nations cannot take effective action through the Security Council to impose peaceful settlements on dozens of regional conflicts without their prior consent, but still it would be erroneous to assume that they have a complete mastery of the world. At best, one could say both Superpowers have their own spheres of influence where one wields greater influence than the other.

For example, European states, after the war, found themselves incapable of solving their economic, political and defence problems, and were forced to seek the help of one of the superpowers on both sides of the Iron Curtain. Apart from receiving political and economic help, they were protected by the nuclear umbrella, and this ultimately curtailed their freedom of action in many matters.

The USA was not greatly involved in colonialism; rather she supported independence movements, if they were not coupled with a perceived threat of Communism. The United States, for example, played an important part in the war between Indonesian nationalism and the Dutch authorities between 1947 and 1949. Though it moved cautiously, it gave support to the independence movement. This was clear signal to other Imperial powers that the United States was not willing to tolerate colonialism because it could provide an impetus to rapidly expanding communism.

Such was the scene in world politics at the time when the Labour Party formed a government in July 1945. Many theories have been advanced as to why Britain decided to liquidate the Indian Empire.

Some argue that Britain was exhausted by the war and was no longer effectively controlling a country many times bigger than the United Kingdom, especially when Indian nationalism was gathering pace and the Indian army no longer reliable.

Others say that Britain had no 'desire' to stay in India; it was no longer beneficial. Another reason put forward is the implacable pressure of the United States, and Britain could ill afford to annoy the Americans in the face of huge economic and defence problems (European powers, including Britain, felt incapable of defending themselves against the growing threat of Communism).

Some commentators put more emphasis on the revolutionary policies of the Labour Party, which disapproved of colonialism and gradually began to liquidate the biggest empire the world has ever seen.

This is an element of truth in all these propositions, and it is possible to add more reasons to the above list about the British departure from India. Another reason for early departure was the threat of Communism, to which most people have not paid much attention. 'Communism' was a growing monster in the world at that time.

The Western powers, notably America and Britain, wanted to prevent the spread of Communism to India at any price. It was not impossible to perceive this in the light of growing communist activity in the region, especially when the Communists were winning in adjacent China and there was increasing infiltration into India.

The fear of Communism raised the alarm in London that if a settlement was not reached in India, there was a possibility that Congress would disintegrate, leaving a vacuum to be filled by the Communists. Attlee, the British Prime Minister, was reported to have told Mountbatten that '*the Government is unfavourably impressed with the political trends affecting both Congress and the Muslim League. If we are not very careful, we will find ourselves handing, India over not simply to civil war, but to political movements of a definitely totalitarian character. Urgent action is needed to break the deadlock*

I think the independence of India could not have been delayed for too long, no matter which party had formed the Government in Britain after the war. William Phillips put it like this:

*'When the Labour Government came to power in July 1945, it saw the writing on the wall.'* 4

Whichever party had been in power at the time, it could not have failed to see this writing on the wall. It is quite possible that a Conservative Government might have shown more hesitation and reluctance to leave India, but they could not altogether have ignored the dangers of staying there.

As Brecher puts it: *'There can be little doubt that the transfer of power could not have been postponed much longer. Even had the Conservatives been returned to office in 1945. The decline of British Power and the inability to sustain the burden of India would have remained unchanged. Yet the fact that it was Labour Government which carried through the withdrawal certainly hastened the process.'* 5

General Sir Francis Tucker, in his candid answer to the question, 'why did we quit?' explains the British impotence: *'Ultimately we found that this garrison commitment was more than the industrial needs of our impoverished country could stand. That was one very strong for our leaving India and leaving quickly.'* 6

With the above arguments and quotations it has been established, beyond any doubt, that Britain did not leave because of her goodwill; rather she was forced by reasons beyond her control to leave India and 'leave it quickly'.

With the above arguments and quotations it has been established, beyond any doubt, that the British did not leave because of her goodwill; rather she was by reasons beyond her control to leave India, and 'leave it quickly.'

#### References:

1. Gamble, Andrew, *Britain in Decline*, Introduction.
2. Ibid., p.110.
3. Johnson, Campbell, *Mission with Mountbatten*, pp.17-18
4. Phillips, William, *Ventures in Diplomacy*, p.255.
5. Brecher, Nehru: *A Political Biography*, p.372.
6. Sir Francis Tucker, *While Memory Serves*, p.518.

## Chapter 7

### The Cabinet Mission

In May 1945; at the end of the war in Europe, Viceroy decided to hold a political conference to break the dead lock in Indian Politics. The meeting was held in Simla and League representatives, provincial premiers and some other leaders were invited.

Lord Wavell proposed an interim central Government in which all portfolios except that of war should be held by Indians. There was to be a parity of representations between Muslims and caste Hindus. The conference began on 25<sup>th</sup> June and finished on 14<sup>th</sup> July, without any compromise between the rival parties.

The main hindrance to the settlement was the Muslim League insistence on being recognized as the sole representative of Muslims. Congress and Lord Wavell refused to accept this and offered that the Muslim League could have its four representatives, but the fifth representative would be a Muslim from the Punjab. This was unacceptable to the Muslim League because the fifth Muslim representative, in the mind of Lord Wavell and Congress, was Khizer Hayat Tiwana, who was obviously pro-Congress.

It was thought that these conflicting claims for representation could only be properly decided by the electorate. The issue was put before the electorate in the General election of winter 1945-46, in which central and provincial legislators were elected. The result was a stunning blow to Congress claims of representing Muslims. The Muslim League captured all 33 seats for the central legislature of India, and also more than 90% seats for provincial legislature for Punjab and Sind, except for the North West Frontier, where Congress formed a ministry under Dr. Khan Sahib.

The election result signaled a clear message that there could be no transfer of power without the agreement of the Muslim League, but it was unfortunate that the congress leadership refused to accept the representative character of the League, and this increased the tension between the communities, particularly deepening Muslim suspicion of the Congress.

Although the Muslim League captured 79 out of 86 Muslim seats in Punjab and was the largest single party in a Chamber of 175 members, it did not command an overall majority. Khizer Ayat Tiwana, the leader of the Unionist Party, with the help of the Akali Sikhs and the Congress, formed the government.

This infuriated the League, which did everything to bring about the fall of the Tiwana Ministry. This obviously aggravated the already extremely abhorrent relations and intensified the communal discord only short of a civil war.

British Government in London was not unaware of social and political changes in India. In February 1946, the British Government decided to send special mission (The Cabinet Mission) consisting of three Cabinet Ministers to seek a solution to the Indian problem. The Cabinet Mission reached New Delhi on March 24<sup>th</sup> 1946, but before its departure, the British Prime Minister, Attlee, said on 15<sup>th</sup> March, that : *'We are mindful of the acts of the minority to place a veto on the advance of a majority'*.

As expected, this pleased the Congress circles, but the Muslim League High Command was not too pleased with it. Mohammed Ali Jinnah is reported to have given simile of the spider inviting a fly to its parlour: *'If the fly refrains. It is said a veto is being exercised and the fly is intransigent'*.<sup>1</sup>

Cabinet Mission endeavored to find a solution within the guidelines of the 1935 Government of India Act, by which it wanted to preserve the unitary status of India. The 1935 Act envisaged a constitutional relation between the Indian States and the British India on a federal basis. Provinces of the British India (Which were eleven in total: Bombay, Madras, Bengal, United Provinces, Punjab, Central Provinces, Bihar, Orissa, Assam, and North West Frontier) would automatically become part of the Federation, with no option of staying out, but the Princely States' accession to the Federation was voluntary.

The joint select committee openly explained the position of the Princely States, that they are *'wholly different in status and character from the provinces of the British India and that they are not prepared to federate on the same terms as it is proposed to apply to the Provinces.'*

*'On the first point, the Indian states, unlike the British Indian provinces, possess sovereignty in varying degrees and they are, broadly speaking, under a system of personal Government. Their accession to a Federation cannot, therefore, take place otherwise than by the voluntary act of the Ruler of each State, and after accession, the representatives of the acceding state in the federal legislature will be nominated by the ruler and its subjects will continue to owe allegiance to him'.*

The Government of India Act became effective from 1<sup>st</sup> April 1937, and efforts were made to persuade the States to accede to the Federation. The Act stipulated that the upper chamber will have 260 members out of which 104 were allotted for the States and 156 for the British India; and in the Lower House States were to nominate 125 members against 150 for British India. The Act also required 52 States as a minimum in the Upper House with a population of at least half of the total population of all States.

In the press conference held on 25<sup>th</sup> March 1946, a question was asked if the representatives of the States would be nominated by the Ruler or elected by the State inhabitants, Sir Stafford Cripps replied, 'We cannot create new structures. We have to take the position as we find it'.

While the negotiations for the settlement of the Indian problem were dragging on, the Muslim League, in April 1946, passed a resolution demanding 'that the six provinces of Bengal and Assam in the North East and the Punjab, North West Frontier Province, Sind and Baluchistan in the North West be constituted into a sovereign independent state of Pakistan, and that two separate constitution making bodies be set up by the peoples of Pakistan and Hindustan for the purpose of framing their respective constitution'.<sup>2</sup>

On 16<sup>th</sup> May 1946, the Cabinet Mission announced its proposal to have three groups: one consisting of Bengal and Assam, the second one comprising Punjab, Sind, Baluchistan and N.W.F.P., and the third comprising the rest of British India. It envisaged a centre for three, but each group had a right to secede from the centre.

The position of States was not elaborated on, but a casual reference was made that paramountcy must lapse and the future relationship between British India and the States should be decided by negotiations.

It is not expedient to go into great details about the Cabinet Mission negotiations and its plan. Sufficient to say that it was better than any previously worked out plan offered by the British; but it was too complicated and it required a lot of goodwill and cooperation from the both communities. This was not present. In fact, the two communities were very hostile to each other.

The plan fell short of the League's demand for an independent Pakistan, but it provided some control to Muslims in their provinces. The Cabinet Mission could not bridge the deep-rooted hatred and difference between the two communities which had been there for centuries.

The writers of Freedom at Midnight state that '*The Hindus did not forget that the mass of Muslims were the descendants of 'untouchables' who had fled Hinduism to escape their misery. Caste Hindus would not touch food in the presence of a Muslim. A Muslim entering a Hindu Kitchen would pollute it. The touch of a Muslim's hand could send a Brahmin shrieking off to purify himself with hours of ritual ablution*'.<sup>3</sup>

Mohammed Ali Jinnah, when making his case for the establishment of Pakistan, said:

*'The Muslims of India are a nation with distinctive culture and civilization, language and literature, art and architecture, laws and moral codes, customs and calendar, history and traditions. India has never been a true nation; it only looks that way on the map. The cows I want to eat, the Hindus stop me from killing. Every time a Hindu Shakes hands with me, he has to go wash his hands. The only thing the Muslim has in common with the Hindu is his slavery to the British.'*<sup>4</sup>

It could be noted from the above how deep rooted this antagonism was. The Cabinet Mission had very little chance of satisfying both parties. Even though the plan fell short of an independent Pakistan, the Muslim League Council accepted it on 6<sup>th</sup>

June 1946, but it reserved the right to revise its policy if the course of events changed.

Congress, on the other hand, decided not to accept the plan. To cut a long story (with arguments on both sides) short, the Mission's endeavors were unsuccessful in finding an effective and viable solution which could satisfy both communities.

On the other hand, the Mission intensified the anxiety of the Princes because of the vagueness of the position of States; and it also infuriated the subjects whose destinies were placed in the hands of autocratic and ruthless Rulers of the States.

The unfortunate and unfair aspect of the 1935 Act was the right given to the State Rulers to decide the future destiny of their States and subjects without any reference to their opinion. In their discussion with the Cabinet Mission, the Princes took the standpoint:

*'That paramountcy should not be transferred to a successor government, but should lapse; that the States should not be forced to join any union or unions; that there should be *prima facie* no objection to the formation of a confederation of States if the rulers so desired and that there should be no interference by British India in their internal affairs.'*<sup>5</sup>

#### References:

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2. Ali, Mohammed, The Emergence of Pakistan, p.54.
3. Collins, L Freedom at Midnight, op. cit., p.31.
4. Ibid., p.123.
5. Phandnis, Urmila, Towards the Integration of Indian States, p.155.



## Chapter 8

### Quit Kashmir Movement

While all this was happening in the British India, the story in the State of Jammu and Kashmir was somewhat different. In the British India, the majority of the Muslims were united behind the call for a Sovereign State of Pakistan, and their main tussle was with the Hindu-dominated Congress.

In Kashmir, on the other hand, the Muslims were divided into two opposing camps, and some of their resources and energy were directed against each other.

The national Conference enjoyed mass support, especially in the valley, the nerve centre of the State, and had the blessing of the Indian Congress. Moreover, Pandit Nehru cultivated a personal friendship with Sheikh Abdullah, which had a devastation and long-lasting effect on the future of the State.

The Muslim Conference lacked mass support, but it also looked outside the State boundaries for directions and help. The Muslim Conference consulted the Muslim League leadership, and particularly Mr. Jinnah (the Quaid-e-Azam) on every major policy matter. Apart from some ideological differences, the main hindrance to unity was the personality cult and egoism, for which the Kashmiri nation had to pay a heavy price.

The Government was in the driving seat, albeit not very comfortably, but it shrewdly exploited the situation by fanning their difference. Their egoism was strong, and their determinations so solid that even the Quaid-e-Azam, whose authority nobody dared to challenge in the Muslim Community, was unsuccessful in his mediation to bridge the difference.

Pandit Nehru was to visit Kashmir in July 1945, together with top Congress Muslim leaders Maulana Abul Kalam Azad and Khan Abdul Gaffar Khan. Sheikh Abdullah began parleys for unity with the Muslim Conference before their arrival. Perhaps he wanted to have some kind of compromise and co-operation with his counterparts

before Nehru had an opportunity to make further inroads during his visit to Kashmir.

He was possibly impressed by the political situation in the British India, and eventually realized that unity was imperative, if they were to succeed in obtaining their social, liberal and political rights. Whatever the reason for this initiative, it was a complete fiasco, because of short-sightedness, selfishness and an impolitic response by the Muslim Conference to these unity parleys. The Muslim Conference leadership inaccurately assumed that the National Conference had been frustrated and pressed by the events in British India.<sup>1</sup>

Some commentators argue that the Muslim Conference leadership did not consult the Quaid-e-Azam about the unity talks and, therefore, did not want to commit themselves to any accord without his prior consent.

There appears to be some truth in this, because it is alleged that Sheikh Abdullah condemned the Quaid-e-Azam for stirring up 'communalism' in Kashmir when he was on a visit there in 1944. It is also alleged that the hooting and small disturbance caused by the supporters of the National Conference in Baramullah, where the Quaid-e-Azam was due to address a public meeting before leaving for Rawalpindi, had the backing of Sheikh Abdullah.

Because of these allegations, his ideological stand and his friendship with Nehru, Sheikh Abdullah was disliked by the Quaid-e-Azam and his disciples in the Muslim Conference. In the light of this, one could comprehend the hesitation of the Muslim Conference leadership in not adopting any positive attitude in the unity dialogue, because they feared it would annoy the Quaid-e-Azam.

In the opinion of this writer, this fear was their own creation because a leader of Qaaid e Azam's stature, integrity, wisdom and sincerity could not have vetoed this unity accord, which surely could have benefited millions of people, just to satisfy his pride and egoism.

Perhaps that was the last time for the Kashmiri Muslims to unite themselves into a formidable political force, but opportunity was unwisely discarded.

Although Sheikh Abdullah showed his determination to hold strongly the banner of 'Nationalism', especially at the time of Nehru's visit, he was, in actual fact, frustrated and disappointed by the attitude of the Kashmiri Hindus. He explained to Nehru the difficulties he was encountering and requested him to press Hindus to join the party, because their aloofness from the National Conference provided ammunition for the Muslim Conference. Nehru's frustration could be seen from the speech he made in Srinagar on 7<sup>th</sup> August 1945:

*'If non-Muslims want to live in Kashmir, they should join the National Conference or bid goodbye to the Country. The National Conference is the real national organization; even if not a single Hindu becomes its member it will continue to be so. If Pandits do not join it, no safeguards or weightages will protect them'.2*

Congress claimed to be 'national' party which represented all communities and by a speech of this nature, Nehru signalled to the Muslims of British India, that if Hindu Kashmiris did not join the 'national' organization, they should best leave the country. Similarly, the Muslims of British India should either join the 'National' Party, i.e. Congress, or should not expect safeguards, and it would be best for them to leave the country.

Khan Abdul Ghafar Khan also made speeches in support of Sheikh Abdullah. He Said, 'Sheikh Abdullah is the gift of God. If you do not follow him, you will be humiliated'.3 Despite these calls, the majority of Hindus stayed away from the National Conference.

Perhaps because of the failure of unity talks with the Muslim Conference, Sheikh Abdullah tilted further towards Congress. By observing political manoeuvres in London and Delhi, Sheikh Abdullah realized that the transfer of power in India was not too far away; he wanted to jockey for position by demonstrating that he was the man to command mass support. When the Cabinet Mission arrived in Delhi, he sent them a memorandum which is known as the 'Quit Kashmir Memorandum'.

After explaining the 'Treaty of Amritsar' in which Kashmir was sold in 1846, Sheikh Abdullah carried on:

*'At this moment, the future of the inhabitants of India is on the anvil, and the constitutional pattern of the future is being hammered out by the British Cabinet Mission. The question of the Treaty rights of the Princes has become a moot point between the peoples of the States, the princely order, and the paramount power. For us in Kashmir the re-examination of this relationship in its historical context is vital. The crux of our contention is this: that the sale deed which brought Kashmir under the rule of the Dogra House confers no privileges equivalent to those claimed by States governed by the so-called Treaty Right. As such, the case of Kashmir itself stands on a unique footing and the people of Kashmir draw the attention of the Cabinet Mission to their just claims to freedom on the withdrawal of British power. The sale of 1846, misnamed the Treaty of Amritsar, makes the matter quite clear.'*

*'No sale deed, however sacrosanct, can condemn more than four million men and women to the servitude of an autocrat when the will to live under his rule is no longer there. We, the people of Kashmir, are determined to mould our own destiny and we appeal to the members of the Cabinet Mission to recognize the justice and strength of our cause.'*

*'Kashmir is not merely a geographical expression, in the North West of the vast sub-Continent of India, formed for its beauty and natural wealth, but it is a land strategically situated. It is the meeting point of India, China and Russia, and as such has an international significance. Our homeland is the cradle of the Kashmiri nation, which by virtue of the homogeneity of its language, culture and tradition and its common history of suffering is today one of the rare place in India where all communities are backing up a unites national demand.'*<sup>4</sup>

The Muslim Conference did not care to submit any memorandum or make any representation to the Cabinet Mission on behalf of the Kashmiri people. It was amazing – one wonders why a political party claiming to represent Muslims and protect their rights was politically so inactive and silent at that critical time, when India was about to relinquish the British sovereignty and the future of the Princely States was also uncertain, undecided and cloudy.

Sheikh Abdullah, apart from writing the memorandum mentioned earlier, sent a telegram when the Mission was in Srinagar.

The text of the telegram was similar to that of the memorandum; there is, therefore, no need to reproduce it here.

The political climate in British India and Kashmir was like this when Sheikh Abdullah decided to launch his 'Quit Kashmir Movement'. He began his offensive by making a highly anti-government speech at Srinagar on 15<sup>th</sup> May 1946. His party leaders and workers immediately responded to his call by holding demonstrations and processions, in which the treaty was read over and explained to the audience, who were told to prepare for the final encounter with the government to overthrow the Dogra Dynasty.

Hindu members of the National Conference were not consulted before the Quit Kashmir Movement began, as their opposition to the idea was taken for granted. Hindus who might have opposed the idea and would have stayed away were annoyed, and they encouraged Hindus who clashed with Muslims when the latter were raising anti-Hari Singh slogans.

After giving various instructions to his senior colleagues about the Movement, Sheikh Abdullah announced that he was going to see Nehru about the current conditions prevalent in Kashmir. Under the Defence rules, he was arrested about 99 miles away from Srinagar, in the small town of Gahri Dopatta. He was then moved to the Badami Bagh Cantonment. His arrest was followed by the dispatch of the Dogra Army to all strategic positions.

Despite this, however, widespread unrest was witnessed. The Muslims suspended their businesses and began their demonstrations and processions, openly demanding the end of the Dogra Raj. Within twenty-four of the arrest, printed posters and haribills appeared announcing the setting up of a war council, with Khawaja Mohi-ud-din Kara as its leader.

This was unprecedented in Kashmir. At last the Kashmiris began to formulate ideas about war and the 'War Council', and overthrowing the oppressive and barbarous Dogra regime by force. On many occasions, unarmed demonstrators clashed with police; hundreds were killed and wounded. Thousands of people were put behind bars, and the Dogra government literally let loose a reign of terror. Even the Hindu Pandit Bazaz had to say this:

*'The Dogra Military misbehaved. They perpetrated excesses on both Hindus and Muslims, on Nationalists and non-Nationalists. All people passing through any street or crossing a bridge where troops were stationed had to raise their hands high and shout the slogan Maharaja Bahadur Ki Jay. Many innocent persons were beaten and molested on suspicion of being agitators.'*<sup>5</sup>

Given below is an extract from an article published in the Indian and International press:

*'On Wednesday and Thursday the Military took up positions at all important road junctions and on all bridges. They ordered all passers-by to walk in line, one by one, with hands up, shouting Maharaja Bahadur Ki Jay. Those that hesitated or resisted were beaten with rifle butts and often stabbed in the back with bayonets. Later, people were ordered to walk on one leg, limping like lame men and shouting Maharaja Bahadur Ki Jay. Some were even forced to go on their knees. Old men and respectable citizens were forced at the point of a rifle to crawl on the roads. Shops were looted; fruit and cigarette vendors robbed. Terror reigned throughout the city for a full forty-eight hours, all shops were closed and people stayed indoors because of fear. Lawyers, professors, even Government Servants were forced to fill up trenches and sweep the roads.'*<sup>6</sup>

Outside Kashmir, the reaction to the Movement was amazing. The Congress leaders and the strong press immediately condemned the Movement and supported the Dogra Government. They said that:

*'Quit Kashmir is a mischievous movement, and unless it is withdrawn, there is no possibility of compromise between the National Conference and the Kashmir Government.'*<sup>7</sup>

The Muslim League leadership, on the other hand, had shown a mixed response. But the Muslim press openly supported the Movement and called upon Muslims to join it. Inside Kashmir the Muslim Conference openly boycotted the Movement by labelling it as 'Congress-inspired'.

The Muslim Conference made a lame excuse and endeavoured to convince the Muslim press in Lahore (British India), that Sheikh

Abdullah had begun the Movement on the advice of the Congress, but the Muslim Conference leadership had been out manoeuvred by the well-organised and disciplined National Conference leaders like Bakshi Ghulam Mohammed and Mr. Ghulam Mohi-ud-Din Kara, who had conducted a brilliant campaign.

One could understand the logic of the Congress leadership in condemning the Movement, because the Maharaja was a co-religionist and would have the final say about the future of the State. Congress realized that, under the 1935 Act and under the inference of the Cabinet Mission, all State rulers would be privileged to decide about their futures. The Congress did not want to annoy them by supporting Sheikh Abdullah's 'Quit Kashmir' Movement.

At the same time, Congress realized the importance of Sheikh Abdullah in this strategically important State, so it did not want to fall out with him either. Nehru, therefore, adopted a completely different attitude to that of his fellow Congress leaders, and vehemently condemned the oppressive policy of the State Government.

In his statement from Delhi on 27<sup>th</sup> May, he said: 'Srinagar has become a city of the dead'. He exchanged several telegrams with the State Government and demanded the release of Sheikh Abdullah and other political workers, and an end to oppression. He also sent a letter through a personal messenger, but when the State Government refused to fulfil any of his demands, the shrewd Pandit informed the Maharaja that he was coming to Srinagar with a team of lawyers to study the situation personally and to defend his friend Sheikh Abdullah.

The State Government was not pleased with what Nehru was doing; and banned his entry into the State. This further infuriated Nehru, who took it as a personal insult. He decided to leave for Srinagar on 16<sup>th</sup> June, with his team of lawyers, despite crucial Cabinet Mission negotiations which he was conducting.

The State Government was obviously very worried. Prime Minister Kak advised local Hindu groups to stage a demonstration against Nehru on his arrival at Kohala (Kashmir's border with Punjab). It must be noted here that the Muslim Conference, despite its declared policy of non-interference with the Quit Kashmir Movement, covertly joined the demonstration.<sup>8</sup>

Nehru made forced entry into the State. He was arrested and taken to Domel Dak bungalow. Later he was moved to Uri Rest House. He was requested to go back to the British India, but he insisted on visiting Sheikh Abdullah. Telephone facilities were provided for him so that he could speak to his Congress colleagues, who asked him to return to Delhi.

Maulana Azad told him that the Working Committee of the Congress had taken the matter into its own hands. He was also told that his absence from the Cabinet Mission talks was hampering the negotiations which could lead to the British Departure from India. At the request of Maulana Azad, Lord Wavell sent a plane to Srinagar to bring Nehru back to Delhi.

Nehru's arrest resulted in demonstrations and processions in many parts of the country. Upon this, in order to satisfy Nehru's personal vanity, the Congress Working Committee demanded the lifting of the ban. The State Government complied with the demand and Nehru returned to Kashmir on 24<sup>th</sup> July, where he had lengthy talks with Sheikh Abdullah and the Maharaja's Raj Guru.

It is assumed that he wanted to utilize the services of Raj Guru to bring about an understanding between Sheikh Abdullah and Hari Singh, but he failed in this, Nehru, after making arrangements for Sheikh Abdullah's defence, left for Delhi.

The attitude of the Muslim Conference towards the 'Quit Kashmir' Movement is surprising. The Muslim Conference boycotted the Movement, with the allegation that it was inspired by the Congress, but provided no solid evidence of this. It merely said that the fact that Nehru took so much interest in it was axiomatic evidence.

The Muslim Conference failed to note that all the Congress leadership and Congress media, except Nehru, condemned the 'Quit Kashmir' Movement and supported the Maharaja, and did not even utter a single word of sympathy for the killings and repression. One may ask why Nehru behaved as he did. The only logical answer to this could be the shrewdness of Nehru, who was conducting Cabinet Mission negotiations, and who appreciated the importance of Sheikh

Abdullah as a popular leader in this geographically important Muslim State.

By casting himself as a friend of Sheikh Abdullah, Nehru did a great service to the Congress, but it would be wrong to conclude that the 'Quit Kashmir Movement' was Congress-inspired, albeit it had similarities to the 'Quit India Movement' launched by the Congress and which was boycotted by the Muslim League.

Later Choudhry Ghulam Abbas Khan informed the Muslim Conference Working committee meeting held on 10<sup>th</sup> June 1946, that Quaid-e-Azam was strongly opposed to our participation in the 'Quit Kashmir' Movement.<sup>9</sup>

Quaid-e-Azam may have had many different reasons for advising them not to join the Movement. For instance, he presumably knew that the Muslim Conference was not properly organised and lacked mass support. He did not, therefore, wish its impotence to be exposed, and, more importantly, he wanted them to save their energy and resources for the forthcoming elections to prove their energy and to implement plans directed by the Muslim League.

For this purpose he wanted the Muslim League leadership out of jail, whereas by participating in the 'Quit Kashmir Movement', the Muslim Conference leadership would have annoyed the State Government and consequently been put in jail. This could have proved (as it did later) to be a death-blow to the meagre organization of the Muslim Conference.

Another possible reason could be the said private relationship between the Maharaja and the Quaid-e-Azam, through the Nawab of Bopal, and by instructing Choudhry Ghulam Abbas to keep aloof from the Movement, the Quaid-e-Azam wanted to show care and friendliness towards the Maharaja, which he (Quaid-e-Azam) wished to.

Whatever may have been the cause of this instruction, the Muslim Conference leadership itself confronted with hostile public opinion. There was intolerable pressure to join the Movement and the leadership itself felt alienated from the public limelight and the dazzling

publicity which their counterparts in the National Conference were receiving. Justice Saraf put it like this:

*'Public pressure was mounting on the Muslim Conference High Command either to join the Movement or support its objectives. Perhaps, left to himself, Choudhry Ghulam Abbas Khan would have preferred to go to jail, preferably alone, but the fear of unpleasant reaction on the part of the Quaid-e-Azam prevented him from adopting such a course of action. The support being extended to the Movement by the Muslim Press in Lahore, which had large circulation in the State, and which helped to shape and unshaped public opinion, also unnerved the Muslim Conference circles. That the pro-Pakistan press in Punjab had been describing Sheikh Abdullah as a hero, negating the stand taken by the Muslim Conference that the Movement was Congress inspired, disturbed them a great deal. It also affected the standing of the Party in Public estimation'.<sup>10</sup>*

To show some kind of political activity, the Muslim Conference passed a resolution alleging the Movement to be 'Congress-inspired', and expressed its disapproval. It also passes a resolution demanding that the Government abrogate the penalty for cow-killing, forced Hindi teaching, policy about services and civil liberties etc., and asked the Government to fulfils these demands, or else the Conference would be 'compelled to launch Direct Action'.

Justice Saraf comments on this by writing: 'It looks ironical that while the National Conference was demanding that the Dogra rulers quit the State, the Muslim Conference was obsessed with demands about cow killing, Devanagari script, services etc'.

The Muslim Conference held another Working Committee meeting on 26<sup>th</sup> July in Srinagar, and passed the so-called Azad Kashmir Resolution, demanding that *'The inhabitants of the Indian States should be given the right to elect their representatives for the Constituent Assembly in the same manner as had been the case with British India'*.

It also demanded that 'Representatives that may represent the State in the Constituent Assembly in the Centre, should be elected by members of the Kashmir Assembly'. It further demanded that the unrepresentative and autocratic Government should be brought immediately to an end, and the people granted the right to frame a

constituent to their own liking. This they should do through their own Constituent Assembly, which would, in the light of its special requirements, frame a constitution for Azad Kashmir as it deems fit.<sup>11</sup>

Ever since the beginning of the 'Quit Kashmir' Movement, the Government had put a ban on political meetings, which it revived every two months. Despite this ban, the Muslim Conference announced that it would hold a Convention in October 1946, and applied for permission which, as expected, was refused.

This provided them with an excuse to draw public attention to their cause by defying the ban. It appears that Choudhry Ghulam Abbas wanted to go to jail and show that he was also worthy of attention, and that he had been imprisoned for public cause.

In actual fact, there was no need to begin a civil disobedience movement at this stage. When the 'Quit Kashmir' Movement was at its peak, he, together with his Party, remained aloof and now, when the Movement had been brutally crushed, there was no sense in starting anything new.

First, the Government, by crushing the 'Quit Kashmir' Movement, had established its authority and horrified the people. They no longer, especially at that time, had the zeal to go through the same ordeal again; secondly, he had no mass support for it and presumably knew this well. In Justice Saraf's words:

*'Looking from the historical perspective, the decision was undoubtedly short sighted and disastrous. It not only resulted in a division in its ranks and disaster at the polls, but also deprived it of its top leadership at a time when the Sub-Continent was going through the pangs of the transfer of power, and its two principal nations were on the verge of a civil war. It (the Muslim Conference) was really not in a position to launch an impressive civil disobedience movement; the party organization everywhere was in a mess. Had a call been given for general disobedience, not many persons would have offered themselves for arrest. With Mir Waiz Mohammed Yusuf Shah opposed to the proposed Movement, the Muslim Conference could hardly have been able to send even a dozen workers to jail'.<sup>12</sup>*

If the position of the Party was so bad, then why did he decide to defy the ban? There could be no other reason for 'individual civil disobedience' apart from providing the Government with an excuse to arrest him in order to resuscitate his fast vanishing popularity and party. Pandit Prem Nath Bazaz comments on this:

*'Ghulam Abbas, never noted for far sightedness, balance, or moderation, led the extremists who wanted tougher action against the Government, and won the day. A poorly-attended meeting was held at Jamia Masjid on 24<sup>th</sup> October, where Abbas delivered a demagogic speech bitterly criticizing the authorities for refusing permission to the Muslim Conference to hold its session. Presumably conscious of his own weakness and the rifts within the ranks of his organization, he advised his colleagues not to follow him by continuing defiance of the law. There appeared to be no sense in what he was doing, yet he was doing it.'*

The lead given by Abbas, as we shall see presently, proved really suicidal for the Muslim Conference. It was catastrophic for the country in general and the Muslims of the State of Jammu and Kashmir in particular. It exposed the weakness of the Muslim Conference organisation and the inefficacy, incapacity and lack of intelligence of its leadership.

Soon after the arrests, Mir Waiz Yusuf Shah and Hamedullah Started quarrelling with each other as to who was to be the head of the Conference in the absence of Abbas. Both claimed to have received letters from their imprisoned chief nominating each as his successor. Not surprisingly, the followers of the Muslim Conference were utterly disgusted with the puerile and cantankerous behaviour of their leaders. The seeds of disorganization and chaos which are in evidence in Muslim Conference ranks at present on both sides of the ceasefire line, were sown by Abbas and his close associates through this bankrupt policy.<sup>13</sup>

It becomes evident that the Choudhry Ghulam Abbas ignored the valuable advice given by the Qaaid-e-Azam, and provided the Government with a pretext for his arrest. Either he could not envisage the forthcoming problems and the dangers his arrest entailed or he had no idea about them, especially after a word of caution from the Qaaid-

e-Azam, but was overcome by zeal to become a public hero by getting himself imprisoned.

He felt that people might compare him to Sheikh Abdullah, who was in Jail as a result of the 'Quit Kashmir Movement', and was called Shere-e-Kashmir (Lion of Kashmir). Pandit Bazaz rightly comments:

*'It was reported that he (Jinnah) firmly advised that the Muslim Conference should in no way, directly or indirectly, lend its support to the agitation. But it required the wisdom and political foresight of Jinnah to understand the implications of the Nationalists, agitation. None of those comprising the High Command of the Muslim Conference in 1946 were endowed with these rare qualities. They were dazzled by the publicity which the Congress press gave to the imprisoned Nationalists and their agitation. Soon they began to feel they were less patriotic than the Nationalists because they were outside the prison walls. Incapable of doing any constructive work in the field of politics, the leader of the Muslim conference remained mentally absorbed in the search for a pretext to start an agitation against the Government.'*<sup>14</sup>

The decision was illogical and impolitic. In the view of this writer, it was not taken with the public good in mind, because there was no strategy to obtain any objectives. Perhaps one may ask if there were any objectives at all from which the public could have benefited.

The Muslims Conference, which was badly organised and lacked public support, suffered another lethal blow after the arrest of Choudhry Ghulam Abbas. The Party was divided into two camps, one led by Choudhry Hameedullah Khan and the other by Mir Waiz Yusaf Shah. Each leader claimed to have received a letter from Choudhry Ghulam Abbas instructing him to act as a President in his absence. In his autobiography, Choudhry Ghulam Abbas confirmed that he had appointed Choudhry Hameedullah as the acting President.

This controversy further weakened the already meagre party. Justice Saraf writes: *'The division inflicted such a blow on its prestige that in the elections of the Legislative Assembly, held in January 1947, not many people cared to apply for its ticket, and even those who*

joined it after election, because of the pro-Pakistan policy, had contested as independents.'

One of the main disadvantages of the, Quit Kashmir Movement was the increasing gulf between the National Conference and the Muslim Conference. They both reached a point from where there was no retreat: Each regarded the other as an enemy, and it increased dislike of the Qaaid-e- Azam among the National Conference leadership because of his role during the hour of need ('Quit Kashmir' Movement).

It is alleged that the Qaaid-e-Azam called the 'Quit Kashmir Movement' a goondaism against the State and condemned the National Conference High Command for this, instructing the tame Muslim Conference to boycott it. And the Movement brought the Congress, and particularly Nehru, very close to Sheikh Abdullah, mainly because of his well-publicized concern and sympathy for the imprisoned leader.

Sheikh Abdullah was defended in the Court by lawyers provided by Nehru, even though he was sentenced to prison for nine years, but the service and concern shown by Nehru had a lasting impact on Sheikh Abdullah. The sentence was on three counts, each with three years' imprisonment and all three were to run concurrently, which, in other words, meant three years in total.

In his statement before the Court, Sheikh Abdullah said: *'It is a small matter whether I am imprisoned, tried and convicted. But it is no small matter that the people of Jammu and Kashmir suffer poverty, humiliation and degradation. It has been no small matter what they have endured during the violent repression and horror of the past two months and more, and what they are enduring now. These very events have demonstrated the Justice of our demand and of our cry 'Quit Kashmir'. For a system of Government that can subsist only by such methods stands condemned. If my imprisonment and that of my colleagues serves the cause to which we have dedicated ourselves, then it will be well with us and we shall take pride in this serving our people and the land of our forefathers.'*<sup>15</sup>

With these words and the services he rendered to the Kashmiri nation, Sheikh Abdullah made himself almost a legend in Kashmiri

politics. But with his imprisonment, his golden era of politics ended because what was to come was not something the nation expected from him; nor could the nation take pride in it. A new chapter in Kashmiri politics was about to begin, in which Sheikh Abdullah did not appear at his best, but its prologue was written during the time of his 'Quit Kashmir' Movement, in which he was the main character.

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## Chapter 9

## Mountbatten Accepts the Challenge

*'I have always had a very curious subconscious desire to be Viceroy. So from every point of view, I would have liked to be Viceroy. I spoke about it once or twice to my wife and then it happened.'*

Although he wished to become a Viceroy, when the opportunity came and he was asked to become the last Viceroy of India, he was reluctant to accept it, because of the inextricable political problems of India.

The situation there was already bad, but it rapidly deteriorated after the failure of the Cabinet Mission. The Labour Government was worried about the worsening situation and was eager to break the deadlock. It was realized by Attlee that the situation demanded a new start and a new man with no past involvement in Indian affairs — a man who commanded respect and authority and who was shrewd, persuasive and —above all, not disliked in India. The man Attlee had in mind was Lord Mountbatten, whose Royal connection enhanced his standing for the new Job.

Lord Mountbatten spoke to his cousin, the King, about the offer and explained why he did not want to accept the Job. *'Do you realize Wavell is caught in a complete impasse?' He said, 'Nobody can foresee any way of finding any agreements between the two parties. It is almost impossible to find one. If Wavell has failed, why in the world should I succeed? Look, this is very dangerous. I am your cousin. If I go out there now and make a deplorable mess of it, it will reflect very badly on you.'*

'Yes', the King replied, "But think how brilliantly it will reflect if you succeed." 2

After very careful consideration, Lord Mountbatten sent the acceptance letter to Attlee on 3<sup>rd</sup> January 1947. From the outset it may have appeared to be the decision of Attlee to appoint Lord

Mountbatten as the last Viceroy of India, but in actual fact, it was the choice of the Congress leadership.

The Indian National Congress had much in common with the Labour Party. There were many socialists in it. Its social and economic policies were in harmony with the latter. Apart from Krisha Menon and his socialist friends, Nehru presented a secular, non-communist and socialist face of the congress to the world, and enjoyed the support of socialists in many countries.

Before the appointment, Nehru and Mountbatten were already good friends. Mr. Hudson comments on this: *'If the two men were often said to be hand in glove, it must be remembered that hand and glove are different things and that a left handed glove is not fit for a right hand.'*<sup>3</sup>

It must be remembered that Nehru already enjoyed the friendship of Mountbatten, who regarded him as the future premier of India. After the war, when Nehru visited Singapore at the invitation of the Indian association, Mountbatten went out of his way to greet him. During the tour, when Mountbatten decided to accompany Nehru in an open car in the streets of Singapore, his advisers warned that his action would only dignify an anti-British rebel. But Mountbatten disregarded this advice and exclaimed:

*'Dignify him. It is he who will dignify me. One day this man will be Prime Minister of India.'*<sup>4</sup>

Even when Nehru was imprisoned in the Ahmednagar Fort in 1944, and Mountbatten, as the Supreme Allied Commander, was visiting troops in Ahmednagar, he tried to see Nehru, but permission was refused. This indicates that Mountbatten thought very highly of Nehru and perceived him to be the man to hold the destiny of the future of India.

An Indian writer, Sudhir Ghosh, says: *'When Qaaid -e- Azam and Mr Nehru accompanied Wavell to London in December 1946, for consultations, Cripps, the brain behind all the Labour Government was doing regarding India, realized that it was no longer possible for Nehru to work with Wavell. They had become completely incompatible with each other. It was during this visit to London that Cripps brought'*

together Nehru and Viscount Mountbatten, a relative of the Royal Family, who had a distinguished career as Supreme Commander of the Allied Forces of South East Asia Command. Cripps told Nehru that if he felt that he and Mountbatten could work together, then he would do his best to get Mountbatten appointed as Viceroy in Wavell's place.<sup>5</sup>

The authors of Freedom at midnight explain this as follows:

'In a way it was the Congress leadership which chose the successor to Wavell, when political deadlock was reached in India. Sir Stafford Cripps, who was Chancellor of the Exchequer in Attlee's Government, suggested Mountbatten's name as the last Viceroy of India. In December 1946, there was secret meeting between Krishna Menon, Nehru's right -hand man, and Sir Stafford Cripps, where Menon suggested that Congress saw little hope of progress in India as long as Wavell was Viceroy, and advanced the name of a man Nehru held in the highest regard, Lord Louis Mountbatten , as a possible substitute.'<sup>6</sup>

This was a sensitive matter, so it was decided to keep it secret, because knowledge of it, especially to the Muslims of India, would have put the whole operation in Jeopardy. 'Aware that Mountbatten's usefulness would be destroyed if India's Muslim leaders learned of the genesis of the appointment, the two men had agreed to reveal the details of their talk to no one.'<sup>7</sup>

The picture which has emerged now clearly shows that Wavell's successor was not the unfettered choice of the British Prime Minister Attlee. Rather he confirmed and announced the appointment after consultation, and getting the agreement of Nehru and Congress behind the scenes.

Mountbatten, who, according to Ian Stephens, had 'top level eyes', was provided with this top level job by Nehru's wish. Mountbatten, of course, was grateful to Nehru for this, because the latter was going to 'dignify' him. Mountbatten's remarks about Nehru and Jinnah clearly explain where his loyalty and priority were. Mountbatten, after meeting Jinnah, remarked: 'My God, he was cold! It took most of the interview to unfreeze him.'<sup>8</sup>

In another statement he explained that he found Jinnah in a 'Most frigid, haughty and disdainful frame of mind.'<sup>9</sup>

Whereas Mountbatten praised Nehru highly and said that he 'Delighted in Nehru's charm, his culture, his quick humour.'<sup>10</sup>

In another interview he said, 'Nehru was first class chap. He was an extraordinary, intelligent man.'<sup>11</sup>

Nehru, on the other hand, had similar praise for Mountbatten. When the Viceregal couple attended the garden party at Nehru's residence, Mountbatten took Nehru by the elbow and strolled among the guests, casually chatting and shaking hands. After the party, Nehru said to his sister, 'Thank God, we've finally got a human for a Viceroy and not a stuffed shirt.'<sup>12</sup>

As the last Viceroy of India and as the King's last representative, he was supposed to act impartially and find a political solution which was acceptable to all, i.e. the British Government, Congress, the Muslim League and the Princely States.

What actually happened was a different story which will be explained and analysed later. Mountbatten was grateful to the Congress and particularly to Nehru, and went out of his way to cultivate Nehru's friendship. Under the circumstances, it was extremely difficult for any human, let alone Mountbatten, to be completely impartial in the matter.

Mountbatten realized the importance of Nehru in the accomplishment of his great mission, which could have done irreparable damage to his name and reputation if confronted with a failure. Therefore, he needed Nehru and he spared no effort to win his support.

He told him, 'Mr. Nehru, I want you to regard me not as the last British Viceroy winding up the Raj, but as the first to lead the way to a new India'.

Nehru turned and looked at the man he had wanted to see on the Viceregal throne. With a faint smile across his face he said, 'Now

*I know what they mean when they speak of your charm as being so dangerous. '13*

It must be emphasized here the mission Mountbatten agreed to accomplish was not an easy one. Lord Ismay said to Mountbatten, 'India was a ship on fire in mid-ocean, with ammunition in her hold. The question was - could they get the fire out before it reached the ammunition?'<sup>14</sup>

Lord Mountbatten's predecessor, Wavell, said to him, '*I am sorry indeed that you have been sent out here in my place*'.

'Well,' said Mountbatten, 'that's being candid. Why don't you think I am up to it?'

'No, it is not that,' replied Wavell. 'Indeed, I am very fond of you, but you have been given an impossible task. I have tried everything I know to solve this problem and I can see no light. There is just no way of dealing with it. Not only have we absolutely no help from Whitehall, but we have now reached a complete impasse here.' 15

One could see from the above that it was a difficult task which required a high level of diplomacy, patience, shrewdness and determination. Mountbatten lacked none of these qualities. But sometimes he is criticized for making the task appear to be impossible, and that it was only because of his high level of diplomacy that he managed to solve the Indian problem and solve it so quickly.

Major General Shahid Hamid writes: 'Mountbatten wanted to be the hero of the British public as well the Indians. He wanted everyone to believe that his performance and his actions connected with the partition of the Sub-Continent were the only feasible ones. The image he wanted to project of himself was that he was the only person who could have done the Job. He encouraged people to write books on the great role he played.'<sup>16</sup>

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## Chapter 10

### The Historic Declaration

After accepting the offer made by Attlee, Mountbatten pressed for a time limit. He insisted that there must be a definite date, if he was to succeed. He also asked for power which no Viceroy had enjoyed in the past; this was unprecedented. Atlee was not very happy with the idea, but eventually agreed to grant him what he asked. Atlee, in amazement, asked Mountbatten, '*Surely you are not asking for plenipotentiary above His Majesty's Government, are you?*'

*'I am afraid, Sir'*, answered Mountbatten, *'That is exactly what I am asking. How can I possibly negotiate, with the Cabinet constantly breathing down my neck?'*

Mountbatten was also allowed to pick his own staff for the great mission, and he chose a very capable and impressive entourage to help him fulfil this. Apart from Wavell's staff, he had General (Lord 'Pug') Ismay as Chief of Staff, Eric Crum and the Conference Secretary, Captain Brockman as his Personal Secretary, and Campbell Johnson as Press Attaché. Of course, he had Sir George Abell as Private Secretary, Ian Scott as Assistant Private Secretary and V.P. Menon, a right-hand man of Patel, the Congress' strong man, who was to play as important a role as a member of the Viceroy's personal staff.

*'On 20<sup>th</sup> February 1947, the British Government announced its desire to transfer power by a date no later than June 1948. If there was no likelihood of a unitary Constitution emerging from a fully representative Constituent Assembly by June 1948, then the British Government would have to consider to whom the powers of the Central Government in British India should be handed over on the due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people. As for the Princely States, the Prime Minister made it clear that the British Government did not intend to hand over their powers and obligations under paramountcy to any interim successor Government of British India. British paramountcy was to be retained until power was actually transferred. It is contemplated*

*that for the intervening period the relations of the Crown with individual States may be adjusted by agreement'.<sup>2</sup>*

Prime Minister Attlee gave a letter to Mountbatten giving him guidelines within which he had to work. The salient points of the letter are these:

1. The definitive objective of the British Government is to obtain a unitary Government for British India and the Indian States, if possible within the British Commonwealth. ('If possible within the British Commonwealth', was included on the insistence of Mountbatten.)
2. If by 1<sup>st</sup> October (1947), Mountbatten considers there to be no prospect of reaching a settlement on the basis of a unitary Government, he is to report to the British Government on the steps he considers should be taken for the hand-over of power on the due date.
3. For guidance in his relations with the States, Mr. Attlee laid down that he was to do his best to persuade rulers of States, in which political progress had been slow, to go forward rapidly towards the introduction of some more democratic form of Government in their States, and towards the formulation of fair and just arrangements with the leaders of British India as to their future relationships.
4. The date fixed for the transfer of power is a flexible one to within one month, but you should aim at 1<sup>st</sup> June 1948, as the effective date for the transfer of power.<sup>3</sup>

Mountbatten began his work without delay. He picked a team of advisers who were tried and trusted. He also wanted to make sure that he had people in the Government, especially in the India Office, with whom he got on well. After becoming the Viceroy of India, he 'pressed for the removal of Pathick-Lawrence as Secretary of State and his replacement by someone with whom he could work more easily.'

Attlee needed little convincing, as he found Pathick-Lawrence prolix and argumentative and was glad to let him go. 'I suggested Billy Listowel' Mountbatten later explained, 'because I already knew him'

and knew that he was deeply steeped in India, and I thought he would be an easy person to deal with'.<sup>4</sup>

Mountbatten was very clear in his mind what he had to do and he was determined to do it at a speed nobody anticipated. He had strong feelings about the Commonwealth and wanted India to become a part of it at all costs. He later explained, *'I could not bear that I had to go out to throw India out of the Commonwealth or accept secession. I emotionally-deeply wanted it to be within the Commonwealth. I have a very strong feeling about the Commonwealth'.*<sup>5</sup>

In fact, he was not the only British official who wanted India to become part of the Commonwealth. It was a strong desire of the British Government, because India in the Commonwealth was very advantageous to the British. Even the King, George VI, said to Mountbatten:

*'I know I have got to take the 'I' out of G.R.I. (Georgius Rex Imperator). I have got to give up being King-Emperor, but I would be saddened if an independent India were to turn its back on the Commonwealth. If India refused to join, the Afro-Asian nations in their turn would almost certainly follow the example. That would condemn the Commonwealth to becoming just a grouping of the Empire's white dominions instead of the body the King longed to see emerge from the remains of his empire'.*<sup>6</sup>

There were other British notables, Amery and Cripps, who had shown their anxiety and concern about the matter as follows:

*'To keep India within the Commonwealth during the next ten years is much the biggest thing before us (and)... should be the supreme goal of British policy'.*<sup>7</sup>

Cripps, in a letter to the Prime Minister, Attlee on 16<sup>th</sup> April 1949, wrote:

*'My great anxiety is to keep India within the Commonwealth of Nations because I believe that it is of very great importance to our future position in the world, both economically and politically'.*<sup>8</sup>

It becomes clear that the British Government wanted, rather desperately, India to remain in the Commonwealth, because it entailed great prestige and other political, economic and strategic advantages. Nehru was a very shrewd politician; he knew the British desire of keeping India in the Commonwealth and this was Nehru's trump card, which he used very wisely. General Shahid Hamid explains it in his own words:

*'Pakistan and some native States, including Travancore, have already declared that they would like to remain within the Commonwealth. Hindustan (India) intends to become a Sovereign State and would like to be known as 'The Republic of India'. Incidentally, this is Nehru's trump card. He will use it to pressurize His Majesty's Government, which is determined to keep India in the Commonwealth. In case of war with Russia, they could have strategic bases and other facilities in the North-West of the Sub-Continent. Besides, it will allow them to use the Muslim manpower and the good will and support of the Muslim States. It will also ensure the independence and integrity of Afghanistan. At the same time, it will have a stabilizing effect on India and keep her on the right path'.<sup>9</sup>*

Whatever may be the reasons for the British desire to keep India in the Commonwealth, the historic declaration made by the British Government added a sense of urgency to the struggle for the succession. Mountbatten, as the last Viceroy of India, arrived in New Delhi on 22<sup>nd</sup> March 1947, and was sworn in as Governor-General and Crown Representative on 24<sup>th</sup> March. 

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8. Cripps to Churchill, 29.11.44. Prime Minister's Files, Public Records Office, 4.12.46.
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## Chapter 11

## The Muslim Conference at the Crossroads

It has been explained in the 'Quit Kashmir' chapter that the Muslim Conference and its leadership was out-maneuvred by Sheikh Abdullah and his National Conference. Sheikh Abdullah and his associates were hailed as heroes because they were offering great sacrifices for the National cause.

On the other hand, the Muslim Conference leadership stayed aloof from these tragic events. This was a disastrous mistake. The leadership endeavoured unsuccessfully to justify its action by alleging that the Quit Kashmir Movement was Congress-inspired. But the tide of public opinion was in favour of Sheikh Abdullah, because he and his followers were making heavy sacrifices in their fight against the tyrannical rule of the Maharaja, and these allegations further alienated the Muslim Conference leadership.

There were even counter-allegations of their being unpatriotic and opportunist. With public opinion already against him in the State, and powerful Muslim media in the Punjab soaping public opinion against him, the Muslim Conference president Choudhry Ghulam Abbas decided to take the gamble of his life i.e. to get himself arrested, to show that he too was patriotic (this has been discussed in detail in the 'Quit Kashmir' chapter).

Although the Muslim Conference was considered as a puppet political organization of the Muslim League, it was not, ideologically, a united party. Choudhry Ghulam Abbas and his followers wanted the State to become part of Pakistan, whereas Choudhry Hameedullah and his influential friends wanted it to become a sovereign state.

After the arrest of Choudhry Ghulam Abbas the party was involved in internal politics; both Choudhry Hameedullah and Mir Waiz claimed the position of Acting President. These internal squabbles further weakened the already meagre and disorganized party. Later, in his autobiography, Choudhry Ghulam Abbas confirmed that he had appointed Choudhry Hameedullah as his successor.

At the time when Choudhry Ghulam Abbas was behind the walls of the Kathua prison, Choudhry Hameedullah Khan as the acting President of the Muslim Conference, addressing a press Conference in a leading hotel in Jammu on 28<sup>th</sup> May 1947 declared:

*'Accession to Pakistan would be unpleasant to Hindus while accession to India will disturb Muslims. Therefore, we have decided not to enter into any controversy either with India or Pakistan. The second thing we have decided in that we should try to acquire independence for the State. The third question now before us is, what would be the position of the Maharaja? We have never been lacking in showing loyalty and respects for him and it is because of this attachment that we did not support the Quit Kashmir Movement, although in one way it was a natural movement. We, therefore, felt that we should try to find out a solution which will maintain the position of the Maharaja Bahadur, while at the same time; it should also satisfy the praja. The best solution that we have found is that the Maharaja should become a constitutional King, as is the position in many other countries. The fourth thing that we have decided is that we should have a Constituent Assembly of our own to draft our constitution. The Muslim League has already boycotted the Constituent Assembly (British Assembly). Therefore its proposed constitution cannot satisfy Muslims because it must have been prepared by hundred per cent Hindus. If our four representatives sat in this Assembly, they would just be wasting their time.'*

The statement further said: *'I have the support of all important leaders of the Muslim Conference and Choudhry Ghulam Abbas Khan has himself expressed agreement with this proposal. A representative convention of the Muslim Conference will be called within a month, where the proposal will be unanimously adopted. This solution, therefore, should be considered as the official policy of the Muslim Conference. The Muslim League has not given us this solution, nor are we presenting it to deceive the Hindus. We have arrived at this solution in all honesty and after taking into account the local situation. The only connection that the Muslim league has with it is that its past and present policy of non-intervention in Indian States has strengthened us. I would like to say in all honesty that we have had no talks in this connection with any leader or worker of the Muslim League, and that Hindus should also give up being led by the Congress. The best thing*

for us all is that the League and the Congress should leave us undisturbed and that we should give up both the parties. When we say that we want to separate ourselves from Hindustan and Pakistan, we mean that we want to be friends with both of them, but we do not want to be influenced by either of them. We should have political as well as economic relations with both. We think that we will have good relations with Pakistan and, in the presence of the ruling Hindu dynasty; we will also have good relations with India.'1

The leadership summoned a meeting of the Working Committee on 18<sup>th</sup> July 1947. The meeting was to be followed by a Convention next day in Srinagar. The Working Committee unanimously endorsed the Statement made by the Acting President and adopted a resolution calling upon the Maharaja to declare the state's independence, and assuring him of the party's whole-hearted support and co-operation.

It must be noted that a Working Committee (or Executive Committee in some organizations) is the cream of any political party and it normally consists of the party's most senior and dedicated members. The Working Committee of the Muslim conference unanimously adopted a resolution of the State's complete independence.

It becomes apparent that the senior-most members of the Muslim Conference, who worked their way up to become members of the working committee and who had political awareness, carefully considered the future of the state and came to the conclusion that complete independence was the most honourable and acceptable solution for all communities.

As expected, this resolution was to cause bitterness in some quarters, especially among those rights – wing factions led by Mir Waiz Yousaf Shah. On the following day, 19th July 1947, the party's Convention was to take place. It was not a Convention in the sense where political parties selects delegates and invite them. There were no invitations sent, nor delegates selected; news of the Convention was published in a newspaper. Since there were no invitations, virtually anyone could have walked in.

According to Yousaf Saraf, who was also a member of the Muslim Conference; 'without Mir Waiz the party hardly existed in Srinagar.'<sup>2</sup>

Mir Waiz was a religious leader and had some religious following. Since the so-called Convention was held in Srinagar, the nerve centre of politics, it was no problem for Mir Waiz to muster fifty or sixty people. When the so-called 'Convention' began, according to Yousaf Saraf, who was present, there were about one hundred people in attendance. They were not necessarily all politically conscious or even members of the Muslim Conference, because there were no invitations given out. Most of the people were called by Mir Waiz Yousaf Shah and were his religious followers, rather than political followers.

Anyway, when the resolution for 'Independence' was put forward, Yousaf Saraf moved a counter-resolution for accession to Pakistan. Highly exciting and religiously motivated speeches were made in favour of accession to Pakistan and the majority of those present had more religious influence than political consciousness. As a result, the counter-resolution won the day.

It would be wrong to criticize these people for doing what they did; the whole Sub-Continent of India was at that time under the influence of religious fanaticism. Social life and political strategies were determined by religious beliefs. Hindus and Muslims were cutting each other's throats in the name of religion. And politics was based on religion. Anyhow, the Independence resolution was defeated and this so-called 'convention' passed an Accession to Pakistan resolution; it was on the basis of this resolution that the Muslim Conference wanted to accede to Pakistan. The text of the resolution is as follows:

*'The inhabitants of the Princely States of the Sub-Continent had hoped that they would achieve the objectives of national freedom shoulder to shoulder with the inhabitants of British India. But unfortunately, whereas the inhabitants of British India achieved freedom with the partition of the Sub-Continent, the Third June Plan has strengthened the hands of the rulers of the Princely States. So long as these autocrats do not bow before the demands of time, the future of the inhabitants of Indian States will remain bleak. Under these circumstances only three alternatives are open to the inhabitants of*

*Jammu and Kashmir State- namely, accession to India, accession to Pakistan, or the establishment of a free and independent state. After carefully considering the position, this Convention of the Muslim Conference has reached the conclusion that accession of the state to Pakistan is absolutely necessary in view of the geographic, economic, linguistic, cultural and religious considerations –because Muslims constitute 80% of the State's population. All the major rivers of Pakistan have their source in the State, whose inhabitants are strongly connected with the people of Pakistan through religious, cultural and economic relations. The Convention strongly demands of the Maharaja that the people of Kashmir should be given complete internal autonomy and that he should treat himself as constitutional Head of State and set up a representative Legislative Assembly while handing over the portfolios of defence, foreign affairs and communications to the Constituent Assembly of Pakistan'.3*

Whatever the motives behind it, the resolution was passed by this so-called 'Convention'. The future history of the State was destined to be influenced by it. It not only showed the weak discipline of the Muslim Conference, and its internal splits, but it also further divided the Muslims of the State.

It is claimed that the Muslim League High Command wished this to happen and this is why, contrary to the official party line, this resolution was put forward. It is also claimed (by the then Acting President, Choudhry Hameedullah Khan) that he adopted the independence policy after consulting Mr. Jinnah.

These are two conflicting claims. Circumstantial evidence indicates that Choudhry Hameedullah's claim was true. It is strengthened by a statement made by Mr. Jinnah on 11<sup>th</sup> July 1947 that the Maharaja had three options open to him: accession to Pakistan, accession to India or independence. Mr. Jinnah, rather than asking the Maharaja to accede to Pakistan, acknowledged his right to become a sovereign ruler.

This indicates that Mr. Jinnah personally had no objection to the State's independence, and he encouraged Choudhry Hameedullah Khan and Professor Ishaque when they visited him. On the other hand, Mr. Jinnah refused to have a meeting with Sardar Ibrahim (the Chief Whip of the Muslim Conference, and a staunch supporter of the

proposal to Pakistan) despite the fact that Ghazanfar Ali Khan, the Central Minister, and Mian Amir-ud-Din, the mayor of Lahore, endeavoured to bring about the meeting. If Mr. Jinnah wanted the State to accede to Pakistan, he surely would have granted a visit to Sardar Ibrahim, who was pro-Pakistan, and a rising star in the party, especially after the resolution was passed.

All this suggests that Mr. Jinnah, rather than oppose an independent Kashmir, lent it his support to it. His far-sighted eyes looked upon it as an emerging buffer State which could have an important role in this strategically important region. But there were other influential people who wanted the State's accession to Pakistan at all costs. Their quest, malicious activities and imperialist designs need careful examination and thorough research.

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## Chapter 12

## The Princely States

Before the work of Mountbatten in India is examined and analysed it is pertinent to give some background to these so-called 'Princely States'. What is meant by the term 'Princely States' and what position did they hold during the British Raj in the Indian Sub-Continent? What authority, if any, did the Princes possess in their States? The following chapter endeavours to explain briefly the historical background, the legal and constitutional link with the paramount power.

The history of the system of principalities can be traced back to thousands of years. During the rule of Ashoka (Sixth century B.C.), Chandragupta and Harsia, a major portion of India, was put under the direct rule of one emperor, but a number of autonomous and semi-autonomous states existed.

The rulers of those states owed allegiance to the emperor, faithfully helping him in wars and offering him handsome tributes, but they maintained their sovereignty in other respects, and when warrior emperors were replaced by weak rulers, the heads of the Princely States asserted their full authority and sovereignty. This system continued, and with the decline of the Moghul Empire many states became autonomous. The vacuum left by the rapidly disintegrating Moghul Empire was filled by the British East India Company, which was established by a Charter for business purposes only.

By the 1760s, the company began to conclude treaties of 'Subsidiary alliances' with different Indian rulers. These rulers, although militarily weaker, were theoretically the Company's equals. Even some militarily strong rulers made treaties with the company in order to defeat their neighbouring princes or kings. These treaties were concluded more or less on equal terms, though the company undertook to provide them with protection. The first treaty, by which the Company agreed to furnish its well-trained troops in exchange for an annual subsidy, was concluded with the Nizam of Hyderabad.<sup>1</sup>

The British (East India Company), because of their shrewd policy of 'divide and rule', gradually extended their control over India. In 1833, the Charter Act abolished the company's trading activities and made it responsible for exercising the functions of the Government (because the company had laid down firm foundations for the British Empire in India).

The policy of annexation was abandoned and the British Government recognized the right of princes to adopt heirs in order to preserve the dynasty. After 1858, the British Government took full responsibility to fulfil all the treaty obligations: 'all treaties made by the Company shall be binding upon Her Majesty'.

Queen Victoria said in 1858: '*We desire no extension of our present territorial possessions and while we will permit no aggression on our dominions or our rights to be attempted with impunity, we shall sanction no encroachment on those of others. We shall respect the rights, dignity and honour of native princes as our own.*'<sup>2</sup>

At the time of partition, there were 562 Princely States in India. The British Empire in India comprised the Princely States and British India, which consisted of 11 provinces, which were under direct rule. The Princely States covered nearly 45% of the territory of undivided India and about 24% of the population. The States ranged from Kashmir and Hyderabad, with more than 80,000 square miles and a population of over 8 million, to the State of Bilbari, a tiny speck too small for the map, having a population of only 27.<sup>3</sup>

About 202 states had an area of less than 10 square miles; and as many as 454 had collectively an area of less than 1,000 square miles of land.

Many people have explained the relationship of the States with the paramount power; they all agree that the States were not part of British India. An Indian constitutional lawyer and author writes:

*'Constitutionally the states were not part of British India, nor their inhabitants British subjects. Parliament had no power to legislate for the states or their subjects.'*<sup>4</sup>

An English writer, Alaister Lamb, explained this relationship as follows:

*'In theory – if we may be permitted to simplify and extremely complicated subject- the Princely States were allies of the British Crown rather than subjects of the British Indian Government. Their rulers, of course, were not exactly equals of the British Monarch, and their status couldn't be compared to that of any of the major European kings. Yet they were not precisely subjects of the British Monarch either.'*<sup>5</sup>

In a way it was the Princely States on which the foundations of the British Empire in India were laid, and it was also these Princely States which helped to sustain the Empire for so long. Justice Saraf comments; '*These states proved of immeasurable assistance during the 1857 war of Liberation; but for their assistance in men and material as well as their failure to fall in line with the National Movement, the British rule would doubtlessly have ended.*'<sup>6</sup>

Even before 1857, the British realized that it would be difficult to maintain control over India without these Princely States and without putting an end to their policy of annexation. Sir John Malcolm, a leading colonialist, said as early as 1825:

*'I am decidedly of the opinion that the tranquillity, not to say security, of our vast oriental possessions is involved in the preservation of native principalities which are dependent on us for protection. These are also so obviously at our mercy, so entirely within our grasp, that besides other and great benefits we derive from their alliance, their co-existence with our rule is of itself a source of political strength, the value of which will never be known till it is lost.'*<sup>7</sup>

It was because for this realization that the British changed their policy towards the states, hence the declaration made by Queen Victoria: 'We shall respect the rights, dignity and honour of native princes as our own.'

A political department was set up under the direct control of the Governor General, to advise princes and to keep effective control over them. A number of concessions were granted to them: they enjoyed complete internal autonomy and governed their subjects as they wished.

In other words they had a free hand to suppress any movement against their autocratic rule. They were also authorized to adopt their heir to the throne, in the case of the failure of the prince to produce a natural heir. Later, on 8<sup>th</sup> February 1921, the Chamber of Princes was established, with the Viceroy as its head. The Chamber was merely a consultative and advisory body.

Sir Leslie Scott, speaking before the Butler Committee appointed on 16<sup>th</sup> December 1927, to enquire into the relationship between states and the paramount power, said:

'the Indian states possessed all original sovereign powers except those which had been transferred, with their consent, to the Crown; and that such transfers could only be effected by the consent of the states, and that the existence of Paramountcy was a fact and gave to the crown definite rights and imposed on it definite duties in respect of certain matters only- those relating to foreign affairs, and external and internal security- and did not confer upon the Crown any power outside these regions.'

He further agreed that, 'the paramount power had no general discretionary rights to interfere with the internal sovereignty of the states.'<sup>8</sup>

The Princely States, in their representations before various bodies which either came to India, or were established to recommend to the British Government the steps for constitutional developments to the granting of independence to India, took the following stand:

- a. That Paramountcy should lapse and should not be transferred to the successor government or governments;
- b. That the states should not be forced to join any union or unions;
- c. That there should be no interference in their internal affairs by British India;
- d. That there should be *prima facie* no objection to the formation of a confederation of states if the rulers so desired.

This clearly indicated that the vast majority of the princes wished to remain independent, whether or not they had ample resources to maintain their independence. Only a small number of princes had an area big enough in resources and experienced administration to become independent.

The vast majority of states wanted free India or Pakistan to provide stability and protection, coupled with telegraphic and communication service. Many princes dreamt of having British protection even after the lapse of paramountcy, because they thought these treaties were perpetual and had no time span on them.

Also they thought of entering into new arrangements with the British Government, but the British had no interest in taking new responsibilities at the end of the Indian Empire. It was possible to protect them during the British Raj because the British had army and an administration financed by British India, but after the independence of British India, it would have been extremely difficult for the British Government to finance an army and civil service for more than 500 states for the express purpose of allowing them to remain outside the new dominations.

Sir Walter Monkton, the Political Advisor to the Viceroy, knew this all very well. He said,

*'I have told them that, although the UK Government is not likely to admit it, the old treaty obligations for the protection of the state and dynasty cannot now be relied on. I do not believe that the British Government will be prepared to send their sons to fight to preserve the Nizam against democratic India'.9*

Sir Walter Monkton was unhappy about the British behaviour towards the states, and he was dissatisfied with the Cabinet Mission resolutions. He said: *'The princes' anxiety was sharpened by the vagueness of the terms, which related to their future and left all the states in a dangerously exposed position'.*

Despite this 'vagueness' about the future of the states, it was apparent that technically and legally they would be independent after the British relinquished paramountcy on the transfer of power, and

they could well decide to remain independence or join the successor Government of the British Raj, but Congress had different views on it.

Nehru was provoked when he learned that a number of states wished to remain independent after the lapse of paramountcy. He bitterly opposed it in a meeting of the All-India Congress Commission on 15<sup>th</sup> June 1947, and said:

*'We cannot permit anything to happen in India, either in relation to defence arrangements or in relation to contact with foreign powers'.*

He maintained that the independence of such states was not to be recognized by India, and the recognition of such independence by any foreign power would be considered 'unfriendly'. The All-India Congress Committee agreed that it could not admit the right of any state in India to declare its independence and to live in isolation from the rest of India'.10

The Quaid-e-Azam, Mr. Jinnah, on the other hand, strongly opposed the views of Nehru and the resolution of the Congress Committee, and unequivocally declared that, constitutionally and legally, the states would be independent sovereign states on the termination of paramountcy and that they would be free to adopt any course they liked. He said: *'neither the British Government nor the British Parliament, nor any other power or body could compel the states to do anything contrary to their own free will and accord, nor have had any power or sanction of any kind to do so'*.11

The authors of *Freedom at Midnight* explain it thus:

*'They reflected upon the fact that under the British there had been two Indian: the India of its provinces, administered by the Central Government in New Delhi, and a separate India of her 562 princes. The princes recognized the paramountcy of the King-Emperor as represented in New Delhi by the Viceroy, and they ceded to him control of their foreign affairs and defence. They received in return Britain's guarantee of their continuing autonomy inside their states'*.12

The independent character of the states, especially after the British departure from India, was discussed in a Cabinet Meeting, which was also attended by Mountbatten, on 20<sup>th</sup> May 1947. It was made

clear that, 'as soon as Dominion Status was granted to British India, paramountcy would come to an end. The states would then become fully independent and would be free to negotiate new arrangements if they thought it desirable to do so'.<sup>13</sup>

Lord Mountbatten, in his speech to a special meeting of the Chamber of Princes on 25<sup>th</sup> July 1947, explained to the princes the position of the States after the lapse of paramountcy: 'the Indian Independence Act releases the states from all their obligations to the Crown. The states will have complete freedom – technically and legally they become independent'.<sup>14</sup>

Despite this declared position of the Princely States, Mr. Nehru, on behalf of the Congress, argued that the states could not become independent. According to him, he could not find 'any trace in the Cabinet Mission's memorandum 12<sup>th</sup> May 1946 dealing with the states, of any state being allowed to claim independence'. Sir Conrad Corfield, Political Adviser to the Viceroy, drew his attention to the following passage in the memorandum on states, treaties and paramountcy:

*'This means that the rights of the states, which flow from their relationship to the Crown, will no longer exist and that all the rights surrendered by the states to the paramount power will return to the states. Political arrangements between the states on one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled either by the states entering into a federal relationship with the successor Government or Governments in British India, or, failing this, entering into particular political arrangements with it or them'.*

Mr. Nehru argued that in his opinion, this passage did not 'signify the possibility of states becoming independent'. Sir Conrad Corfield replied that the term 'particular political arrangements' implied relations with autonomous units.

The Quaid-e-Azam, Mr. Jinnah, on the other hand, asserted that the states were fully entitled to refuse to join either of the constituent assemblies. Mr. Jinnah, in a press statement on 17<sup>th</sup> June 1947, declared that:

'after the lapse of paramountcy, the Indian states would be, constitutionally and legally, sovereign states and free to adopt for themselves any course they wished. It is open to the states to join the Hindustan Constituent Assembly or to decide to remain independent. In my opinion they are free to remain independent if they so desire'. In another press interview, Mr. Jinnah again declared, on 21<sup>st</sup> May 1947, that:

*'They must, as completely independent states, free from any paramountcy, consider what is in their best interests, and it will be open to them to decide whether they should join the Pakistan Constituent Assembly, for their must and will be two sovereign constituent assemblies – of Pakistan and Hindustan'.*

Although the Princely States were, after the lapse of paramountcy, independent states, the British Government did not wish them to become fully independent. The British wanted to find the solution of the Indian problem and leave India with honour, and this task could not be achieved without the co-operation of the Indian Congress, which was determined to take full advantage of the situation, it was mainly due to pressure from Congress that the Attlee Government was forced to make the following declaration:

*'With the ending of the treaties and agreements the states regain their independence, but it would be unfortunate if they were to become islands cut off from the rest of India. The termination of their existing relationship with the Crown need have no such consequences. Already a large number of them have declared their willingness to enter into a relationship with the new dominions, and some have been represented in the Constituent Assembly of India. The Government hope that all states will in due course find their appropriate place within one or other of the new dominions. If I am asked what would be the attitude of His Majesty's Government to any state which decided to cut adrift from its neighbours and assert its independence, I would say to the ruler of that state: "Take your time; think again"'*

It is true that the vast majority of the states had no historical claim to independence, nor had they proper administration or resources adequate to maintain their independence. So they showed their willingness, though vehemently, to join the successor government. But there were other states which had capable administrations,

sufficient resources and, above all, the determination to maintain their independence.

They also had an historical claim to independence: they were not principalities created by the British for British convenience – rather they had bright and respectable historical backgrounds. They were all driven and beaten with the same stick by Lord Mountbatten, who drove them against the wall and forced them to join the Dominion of India. The states which wished to remain independent included the following notables: Hyderabad, Kashmir, Bhopal, Indore, Mysore, Travancore and Dohlpur. The story of their unfortunate end will be discussed in the following chapters.

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## Chapter 13

## Mountbatten at Work

Before the work of Mountbatten is examined, it is only fair to the man to give a brief picture of the situation at the time of his arrival and a summary of Hindu-Muslim hatred. Brief mention was made of this animosity in Chapter Five.

The majority of Hindus regarded Muslims as impure foreigners who invaded their homeland and ruled it for centuries against their will. While India was a British colony, they hoped to succeed to power after the British departed. But their dreams were shattered when Jinnah declared that, by any test or definition of a nation, Hindus and Muslims were two nations, and on the principle of self-determination, Pakistan was claimed as a homeland for Indian Muslims.

This idea of a separate state was totally abhorrent to the Hindu-dominated Congress, which had anticipated a take-over of an undivided India, and to which the unity of India was an article of faith. For the Muslims it was a struggle for survival; for the Hindus it was the vivisection of their homeland.

Most Hindus hated the Muslims because to them the Muslims were the descendants of untouchables who had fled Hinduism to escape their misery. Untouchables constitute about one sixth of India's total population, but they have supposedly been condemned for their sins in a previous incarnation.

In Larry Collins' words, 'their name expressed the contamination that stained a caste Hindu at the slightest contact with them, a stain that had to be removed by a ritual, purifying bath. Even their footprints in the soil could defile some Brahman neighbourhoods. No Hindu could eat in the presence of an untouchable, drink water drawn from a well by his hands, or use utensils that had been soiled by his touch. Many Hindu temples were closed to them.'

'Their children were not accepted in schools. In some parts of India they were still serfs, bought and sold along with the estates on

which they worked, a young untouchable being generally assigned the same value as an ox'.<sup>1</sup>

Because of this thinking many Hindus thought Muslims were impure and sub-ordinate to them. A thousand years of Muslim rule provided fuel for their hatred. Congress pretended to be the representative of all communities, but in fact it was dominated by those who believed in Hindu philosophy. But it also included in its ranks powerful Muslim leaders like Khan Ghaffar Khan and Maulana Abu-Alkalam Azad, who opposed a separate state. It would be fair to say that the majority of Muslims regarded Jinnah as their Messiah, who was there to help them safeguard their rights, and to achieve their goal – Pakistan.

Mr. Jinnah was the top man in the Muslim League and there was no-one to challenge his ideas or orders. On the other hand, Congress had more than one powerful man; for example, Nehru, Patel and Maulana Azad were all influential in their own right.

But the most powerful of them all was Gandhi, who officially had no position in the Congress, yet provided spiritual and political leadership. One may call him the top man on the Congress side. Both top men had critics; for example, Gandhi was always portrayed as Messiah for poor people, but his true picture was revealed by his close associate:

*'Shortly after his arrival in Delhi, Lord Mountbatten asked one of Gandhi's closest associates, the poetess Sarojini Naidu, whether, in view of the determined poverty in which Gandhi chose to live, the Congress Party could really protect him. 'Ah', she said, laughing, 'you and Gandhi may imagine that, when he walks down that Calcutta station platform looking for a suitably crowded third class car, he is alone – or that, when he is in his hut in the untouchables' colony, he is unprotected. What he does not know is that there are a dozens of our people, dressed as untouchables, walking behind him, crowding into that car'. When he went into Banghi Colony (where untouchables live) in Delhi, she explained that a score of Congress workers, again scrupulously clothed as harijans, were sent to live in the hovels around him. 'My dear Louis', she concluded, 'You will never know how much it has cost the Congress Party to keep that old man in poverty'.<sup>2</sup>*

Similarly Mr. Jinnah, who was later hailed as the protector of Muslim rights and symbol of Muslim unity, was criticised for his personal character and his early rebuff to the idea of Pakistan. It is claimed that in the spring of 1933, Choudhry Rahmat Ali (the man who first coined the word Pakistan) arranged a banquet in London's Waldorf Hotel in honour of Jinnah and endeavoured to persuade him to take over his movement. He received a chilly rebuff. 'Pakistan', Jinnah told him, was 'an impossible dream'.<sup>3</sup>

Mr. Jinnah, who was a brilliant lawyer, began his career as an apostle of Hindu-Muslim unity, but he was disenchanted after years of hard work, and it was at that time that the idea of Pakistan was put to him. He rejected it, because he considered it 'impossible'.

The authors of Freedom at Mid-night claim that '*the turning point in Jinnah's career came after the 1937 when the Congress refused to share with him and his Moslem League the spoils of office in those Indian provinces where there was a substantial Moslem minority. Jinnah, a man of towering vanity, took Congress' action as personal insult. It convinced him that he and the Muslim League would never get a fair deal from a Congress-run India. The former apostle of Hind-Muslim unity became the unyielding advocate of Pakistan, the project that he had labelled as "impossible dream" barely four years earlier.*

The authors of Freedom at Mid-night further claim that '*a more improbable leader of India's Muslim masses could hardly be imagined. The only thing Muslim about Mohammed Ali Jinnah was the fact that his parents happened to be Muslim. He drank, ate pork, religiously shaved his beard each morning, and just as religiously avoided the mosque each Friday. God and the Koran had no place in Jinnah's vision of the world. His political foe Gandhi knew more verses of the Muslim Holy Book than he did. He had been able to achieve the remarkable feat of securing the allegiance of the vast majority of India's ninety million Muslim without being able to articulate more than a few sentences in their tongue, Urdu*'.<sup>4</sup>

This is what one may call the dark side portrayed by the critics of these two great leaders. It was generally believed that they were the most influential people in India, and together they held the key to the Indian political problem. No agreement or solution could take place without their consent.

Mountbatten began his work by interviewing all notable Indian leaders, and it was after one of these interviews, with Jinnah, that he commented: 'My God, he was cold! It took most of the interview to unfreeze him'. After a few meetings with Mr. Jinnah, Mountbatten realized that the demand for Pakistan was not just an emotional cry. Mr. Jinnah and his Muslim League would not agree on anything less. Mountbatten later commented in frustration: 'Ziaqat Ali was a man one could deal with, an Indian gentleman. Jinnah was a lunatic. He was an absolutely, completely impossible'.<sup>5</sup>

In another interview, he said, 'He was a psychopathic case, hell-bent on his Pakistan'.<sup>6</sup>

The first meeting between Mr. Jinnah and Mountbatten took place on 5<sup>th</sup> April, and by the middle of that month Mountbatten was becoming sure that some sort of partition was inevitable. His first priority was to find a solution in the light of the Cabinet Mission, which meant some kind of unitary government.

Mountbatten was soon convinced that the demand for Pakistan had taken the form of a monster which could not be tamed or controlled. His predecessors failed to find a solution mainly because their efforts were to propitiate Gandhi, who, they thought, had the key to the political problems of India.

Mountbatten, on the other hand, found that 'Gandhi had no key at all. The key to the whole thing obviously was Jinnah. Most people thought it was Gandhi. If they did not think it was Gandhi they thought it was Nehru. But it was not Gandhi; it was Jinnah and Patel. They were the two people'.<sup>7</sup>

Despite all this, Mountbatten was determined to defeat Mr. Jinnah, whom he disliked and with whom he had a kind of 'contest'. Mr. Hudson writes that 'the underlying relationship between the two men was one of contest, even if it were professional contest not affecting personal respect'.<sup>8</sup>

When there is a contest, it is natural for a human being, and Mountbatten was one, to clinch victory either by beating his opponent

or by out-maneuvring him—or maybe with the help of intrigue, if the victory aimed at is not achieved by following the rules of the game. Mountbatten's dislike of Jinnah has already been shown by the words he used in his interviews; however, if there is any doubt left, it should be cleared after reading the statement he made about Jinnah in an interview. He says, '*I have no worry about Jinnah being shown up for the bastard he was, you know he really was*'.<sup>9</sup>

Mountbatten, after lengthy discussions with the Congress leadership, decided to attack Jinnah with his own weapon. Jinnah based his claim for Pakistan on the 'Two Nations Theory: that Muslims and Hindus cannot live together in peace, and the rights of Muslims are not protected under a Hindu-dominated government. Therefore Muslims majority areas should be joined together to establish a new home for Muslims.

Mountbatten used the same weapon and said that the Punjab and Bengal do not have absolute Muslim majorities, and non-Muslim would not like to live in a Muslim state, therefore, they should be partitioned too.

Mr. Hudson notes that *'it was generally thought by the Congress leaders and Mountbatten that if Jinnah was pressed for the partition of Punjab and Bengal, he would find himself in alienation, as Muslims of Bengal would separate from the League, or that Mr. Jinnah would be forced to come to terms, or else be overthrown by the League'*.<sup>10</sup>

Mr. Jagjivan Ram, a Congress leader, expressed the view that Mountbatten believed *'if Muslims were allowed to do what they wanted, particularly if their goals were restricted by the partition of the Punjab and Bengal, they would find their Pakistan quite unworkable and would voluntarily join the Indian Union'*.<sup>11</sup>

Mr. Jinnah fiercely opposed this, and argued that with the partition of the Punjab and Bengal Pakistan would be 'truncated and moth-eaten'. Mountbatten and Jinnah were involved in a lengthy and bitter debate, each trying to persuade the other. And it was after these parleys that Mountbatten commented with mischievous pride, that '*I drove the old gentleman quite mad*'.<sup>12</sup>

Mountbatten and Congress thought that with the idea of partition of these provinces, Jinnah would be cornered, and he could well come to some kind of agreement that would keep the unity of India. But to their astonishment Jinnah did not face rebellion of any kind in the Muslim League ranks.

In fact, there was nobody in a position to challenge him. Whatever he said was accepted by the League and by Muslims in general. The writers of Freedom at Midnight note that 'Jinnah owed his commanding position to two things. He had made himself the absolute dictator of the Muslim League. There were men below him who might have been willing to negotiate a compromise, but as long as Mohammed Ali Jinnah was alive, they would hold their silence. Second, and more important, was the memory of blood-spilled in the streets of Calcutta a year before'.<sup>13</sup>

It is true that without Jinnah there would have been no Pakistan. There was no Muslim leader of the same calibre, stamina and stubbornness to compete against the united challenge of the Congress and Mountbatten. The Viceroy later recalled that:

'I never would have believed that an intelligent man, well-educated, trained at the Inns of Court, was capable of simply closing his mind as Jinnah did. It was not that he did not see the point. He did, but a kind of shutter came down. He was the evil genius in the whole thing. The others could be persuaded, but not Jinnah. While he was alive nothing could be done'.<sup>14</sup>

The fact of the matter was that Jinnah did not have very long to live; he knew that very well and this was why he was so stubborn during negotiations. He knew he did not have long to live and he wanted to accomplish his mission at any cost, even if that meant working day and night without any care for his deteriorating health. Jinnah had tuberculosis and both his lungs were affected. The news of his illness was kept secret, but there were still some British officials who knew about it.

Mountbatten, unaware of Jinnah's illness, had to give him his Pakistan, and when he did find out about it he commented: 'If Jinnah had died of his illness about two years earlier, I think we would have

*kept the country unified. He was the one man who really made it impossible'.15*

Mountbatten's frustration and sense of defeat could be felt. If he had known about his illness in good time, he could have played for time and waited until his death. After Jinnah there would have been no one to resist Mountbatten's and Congress's pressure.

Mountbatten on another occasion virtually acknowledged this. He said: '*Anyway, that I was not told (about Jinnah's illness) was almost criminal. It was the only chance we had of keeping some form of unified India, because he was the only, I repeat the only, stumbling block. The others were not so obdurate. I am sure Congress would have found some compromise with them*'.<sup>16</sup>

Mountbatten, unaware of Jinnah's deteriorating health and weakening stamina, held a meeting with him on 17<sup>th</sup> April 1947. In an effort to persuade him, he explained the position to Jinnah, by saying that '*you have two options: either to accept the Cabinet Mission Plan and have all five provinces of Pakistan with complete autonomy, and a very weak centre to which allegiance would be for three subjects and which might be covered by the General term 'Defence': or have a very moth-eaten Pakistan, the eastern and north-west parts of which were unlikely to be economic propositions, and which would still have to come to some centre for general subjects for a long while after we had left*'.

Jinnah replied by saying: '*I do not care how little you give me as long as you give it to me completely*'.<sup>17</sup>

After this meeting Mountbatten lost all his hope of transferring power to a united India. He knew that persuading Congress to accept partition would not be an easy job. He had to find a solution, not only to settle the inextricable political problem, but also to keep his reputation, which was at stake here.

Mountbatten began exploring the possibilities of dividing India. He had (apart from his British advisers) V.P. Menon as a Political Adviser. Menon was a Hindu who had close links with Patel, a strong man of the Congress.

Mountbatten accepts that '*The truth is, of course, he had access to me and he influenced me very greatly. I discovered he had a personal link with Patel (but not with Nehru) and I then started using him, but, at first, almost secretly*'.<sup>18</sup>

He continues to say that '*my unofficial link with Nehru was Krishna Menon, with whom I made friends in England*'.<sup>19</sup>

Nehru and Patel put together were the decision makers in the Congress, and they both had their trusted friends near Mountbatten. Thus they were in a position to influence the Viceroy, and that is by his own admission.

Mountbatten may have thought that he was 'using' Menon, but in actual fact it was Nehru and Patel who were using him through their contacts. Apart from Menon, Nehru had another trusted and influential contact through which he influenced Mountbatten. Major General Shahid Hamid Comments on this:

*'Consequently Nehru is very happy, as he is now in a position to use Mountbatten as he wants. He is a clever manipulator and an astute politician. To achieve his end he has cultivated Edwina Mountbatten and is on intimate terms with her. There are all sorts of conjecture about their relationship'*.<sup>20</sup>

One may argue that Mr. Hamid is a Pakistani Army officer, who has witnessed the drama of partition, and like most Pakistanis he could have a disliking for Mountbatten, so his opinion could be biased. But here we have a couple of British writers who had the privilege of interviewing Mountbatten and many Indian politicians and Army Officers, commenting on the topic like this:

*'Since reaching his own conclusions that there was no other choice, Mountbatten and his wife had been employing all the charm and persuasiveness of operation seduction to bring Nehru to their viewpoints'*.<sup>21</sup>

They continue to write, '*His wife's friendship with the Indian Prime Minister had grown too. Women like Edwina Mountbatten were rare in the world and rare still in the India of 1947. No-one had been better able to draw Nehru from his shell when moments of doubt and*

depression gripped him than the attractive aristocrat who radiated so much compassion, intelligence and warmth. Often, over tea in the Moghul Gardens, or a swim in the Viceregal pool, she had been able to charm Nehru out of his gloom, redress a situation and subtly encourage her husband's effort'.<sup>22</sup>

If nothing else, it proved that a special relationship existed between Nehru and Lady Mountbatten and of course with Mountbatten too. Apart from the direct approach, Nehru had two important levers which he could use to influence the thinking of the Viceroy, namely Lady Mountbatten and V.P. Menon, and Patel had one such lever, Krishna Menon.

Mountbatten did not have this kind of intimate relationship with the League leaders, and he did not have a Muslim adviser on his staff. It is not at all surprising that his thinking and policies were so much more in tune with the Congress thinking.

**References:**

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4. Ibid., p.121.
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6. Collins, L, Freedom at Midnight, p.125.
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8. Hodson, H.V., op. cit., p.218.
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11. Ibid., p.245.
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13. Collins, L Freedom at Midnight, p.123.
14. Ibid., p.124.
15. Collins L and Lapierre, D., Mountbatten and the Partition of India, p.62.
16. Ibid., p.59.
17. Viceroy's Personal Report No. 3: Point 19.
18. Collins, L and Lapierre, D., Mountbatten and the Partition of India, p.45.
19. Ibid., p.46.
20. Hamid, Major General Shahid, op. cit., p.172.
21. Collins, L Freedom at Midnight, p.141.
22. Ibid., p.147



## Chapter 14

## The Partition Plan

The date for the transfer of power set out by His Majesty's Government was '1<sup>st</sup> June 1948 or within a month or so of that date', and Mountbatten was asked to report back: 'If by 1<sup>st</sup> October 1947 you consider that there is no prospect of reaching a settlement on the basis of a unitary Government, you should report to HMG on the steps which you consider should be taken for the transfer of power on the due date'.<sup>1</sup>



By the middle of April, Mountbatten finally decided that he should partition India and let Jinnah have his 'moth-eaten Pakistan'. In other words, it was roughly six months before the due date when he was supposed to report his failure to get an agreement on the basis of a united India. And the actual date of transfer of power was about 14 months away.

But Mountbatten was determined to transfer power during 1947, on the basis of Dominion Status, with both India and Pakistan joining the Commonwealth his official biographer, Philip Ziegler, comments that 'Mountbatten was determined to drive them forward at a pace which would make it impossible for anyone to have second thoughts or fuss over much about details'.<sup>2</sup>

One may wonder what the reason was for driving them at such speed that nobody could understand details and have 'second thoughts' about them. Major General Shahid Hamid comments on this:

*'To the utter astonishment of all present, Mountbatten announced 15<sup>th</sup> August as the date for the transfer of power. It was a bombshell! I wonder what brought this last minute change. Does he realize its consequences? Why this hurry? Why this shock treatment? What is at the back of it all? Has he got cold feet and is he losing control, or is he not prepared to shoulder the responsibility? Why is he bulldozing everything and leaving no time for an organised handover? Does he not realize that things done in such a desperate hurry can lead to chaos, confusion and shambles?'*<sup>3</sup>

The writer has asked many questions here, and the simple answer to all is that he had to rush. He did not want to give anybody time to think what exactly was happening, and this was part of the bargain. Jinnah wanted Pakistan at all costs, no matter how small in size; and Congress was fiercely opposing this.

A political impasse was there before his eyes and Mountbatten's reputation was at stake. So he had a secret agreement with the Congress that if they accepted partition of India, he would transfer power as soon as possible; he would partition Punjab and Bengal, in order to give moth-eaten Pakistan to Jinnah; and he would give a free hand to Congress when dealing with the future of the Princely States.

Sardar Patel, the strong man of Congress, reveals the inside story. While speaking in the Constituent Assembly in 1949, he said 'the price Congress had demanded for agreeing to partition was first, that Britain should withdraw from India in two months, and second, that Britain should give Congress a free hand in settling the future of the

*Princely States... that the Punjab should be partitioned – they (the Muslim League) wanted the whole of it; that Bengal should be partitioned – they wanted Calcutta and the whole of it. On those conditions the bill in Parliament was passed in two months. Offered to by all three parties. Show me any instance in the history of the British Parliament when such a bill was passed in two months, but this was done*.<sup>4</sup>

So one could see why Mountbatten was going in top gear; he had to fulfil his part of the bargain, and that he did with a style. The authors of *Freedom at Midnight* also note that Congress accepted the partition of India on condition the Punjab and Bengal would be partitioned too. They write:

*'Nehru was authorized to inform the Viceroy that while Congress remained 'passionately attached to the idea of a united India', it would accept partition, provided that the two great provinces of Punjab and Bengal were divided'.<sup>5</sup>*

Mountbatten put forward a number of benefits for Britain, if she transferred power earlier:

1. *An early transfer of power would gain her (Britain) tremendous credit;*
2. *Such a transfer would involve a termination of the present responsibilities;*
3. *A request by India to remain in the British Commonwealth would enhance British prestige enormously in the eyes of the world. This factor alone was of overriding importance;*
4. *Such a request would be of the greatest advantage to the prestige of the present British Government in the eyes of the country;*
5. *From the point of view of Empire defence, an India within the Commonwealth filled in the whole framework of world strategy; a neutral India leave a gap which could complicate the problem enormously; a hostile India would mean that Australia and New Zealand were virtually cut off.*<sup>6</sup>

It is true that Britain benefited from an early hand-over; no-one is disputing this. The point is that the decision to transfer at an early date was taken because of intolerable pressure from the Congress, and with its benefit coming before everything else.

Shrewd Congress leaders first paved the way for Mountbatten's appointment, and then used his office and influence to further own aims. Mountbatten tried to show that he had decided on an early transfer with the British interest in mind, and that it was his idea to bring the date forward. But the reality is somewhat different.

The clever Congress leadership knew that they could not keep millions of unwilling Muslims under the banner of a United India, and it was not in the interests of the social, economic and cultural development of India to do so. Very reluctantly they accepted that they would have to swallow this bitter pill of partition, but before they openly accepted it, they wanted to extract the highest possible price for it. They also knew that if the date of transfer was not changed from 1<sup>st</sup> June 1948, and the principle of partition accepted by June 1947, that would give ample time to the Muslim League to organize its forces and endeavour to get its proper share in assets and other economic, industrial and territorial gains.

It was most probable that after taking Pakistan out of British India, Mr. Jinnah would focus his attention on the Princely States. By bringing the date forward, the Congress leadership did not want to give him enough time to think of anything else: thus they killed two birds with one stone.

Poor Mountbatten thought that it was he who was using all the levers of power and deciding the policy issues. In actual fact, physically, it was he using the levers of power, but the policies initiated and decided by Congress brains. Mr. Krishna Menon, who in Mountbatten's own words was his 'unofficial link with Nehru', was the person who, on the advice of Nehru, suggested to Mountbatten the early transfer power. The following quotation proves this:

*'Mr. Krishna Menon has pointed out that it was he who had first suggested the early transfer of power to India on a Domination status basis. Mr. Krishna Menon had also stated that one of the advantages in such a plan which most attracted Pandit Nehru was the*

latter's belief that he (His Excellency) would be able greatly to influence the states'.<sup>7</sup>

For the Congress a partition of their sacred motherland was not an easy decision. Partition was accepted as a last resort, a lesser of two evils. Nehru once said, '*Partition is better than the murder of innocent citizens. If they (the League) are forced to stay in the union, no progress or planning will be possible*'.<sup>8</sup>

He also feared that if he did not accept partition, independence could be delayed, if not jeopardized. He thought, if the Muslims, who wanted to secede, were forced to live in the Union, there would be more disturbance and bloodshed. Furthermore, he had a feeling that even if we got freedom for India, with that background, it would be a very weak India – that is, a federal India with far too much power in the federating units. A larger India would have constant troubles and constant disintegrating pulls'.<sup>9</sup>

Another important factor in this was the strong belief that 'moth-eaten Pakistan' could not survive very long and would be forced to yield before Indian supremacy. Mr. Brecher notes it:

*'Most of the Congress leaders, and Nehru among them, subscribed to the view that Pakistan was not a viable state – politically, economically, geographically or militarily – and that sooner or later the areas which had seceded would be compelled by force of circumstance to return to the old fold'.*<sup>10</sup>

Many incidents and quotation could be given to support this view, but since the view given is so evident, there is no need to give too many quotations and examples. The argument has already become too long, therefore, one quotation would be sufficient. After Congress had accepted the partition plan, Mr. Kripalani, the President, asked Congress to build a:

*'strong, happy, democratic and socialist India which can win back the seceding children to its lap. For the freedom we have achieved cannot be complete without the unity of India'*.<sup>11</sup>

The key sentence is the last one, which makes it evident that India's freedom would not be complete until partition was undone.

This was the typical Congress thinking. To accomplish their task they began work before the partition took place.

Whatever Congress thinking and their reason for accepting the principle of partition might have been, the fact remains that they showed their agreement, and Mountbatten drew up the partition plan. This was known as the first plan. Mountbatten sent Lord Ismay to London with it for the Cabinet approval.

The Plan included a clause which allowed 65 million Muslims and Hindus to have a viable country of Bengal with its great seaport Calcutta as its capital. Mountbatten secretly encouraged Bengali politicians in this, but he was afraid that the Congress would not accept it, because of the important textile industry in Calcutta, and moreover, the main financial support for Congress was coming from Hindu industrialists in Calcutta.

The Plan also allowed all provinces to choose whether they should join Pakistan or remain in India, or, if a majority of both its Hindus and its Muslims agreed, became independent. In other words, the plan accepted in principle that there could be more than two independent countries.

The Plan was sent to London on 3<sup>rd</sup> May 1947, and the amended draft came back on 17<sup>th</sup> May. Mountbatten fixed 17<sup>th</sup> May as the date to reveal the Plan to Indian leaders. He went to Simla, a hill station, for some rest, and invited Nehru to stay with him.

Nehru, accompanied by Krishna Menon, went to Simla as the Viceroy's guest. Mountbatten's original thinking was to release the text of the Plan only 24 hours prior to the meeting he called on 17<sup>th</sup> May, and thus give them the minimum time to argue and to suggest amendments. At the last moment he changed his mind and decided to show the Plan to his guests.

Mountbatten's personal staffs were horrified with this. They argued, *'this would be a breach of faith. If it were known you would show it to them, and it leaked, this would be sufficient for Jinnah to say no, for Baldev (the Sikh leader) to say no; even the Congress Party may go back on Nehru. This undermines the whole principle; it comes back to secret diplomacy instead of honest open candour'*.

Mountbatten saw the merit of the advice of his staff, but insisted to go ahead with his plan of showing it Nehru, he said: 'I am sorry. I think you are absolutely right, but I have a hunch that I must show it to Nehru and that he is going to like it'.<sup>12</sup>

Nehru took the copy of the Plan with him and after careful reading rejected the Plan. This was completely unexpected for Mountbatten because he had the agreement of Indian leaders on it. Especially he could not have expected this from Nehru with whom he had a 'special relationship'.

In Mountbatten's own words: 'and on the next day I thought he was going to explode; he was white with rage. He took a long time to control himself. I spent hours trying to help him collect himself together'.<sup>13</sup>

This is the account of the incident given by Mountbatten, but Indian historian Y. Krishan has a different story to tell; he states that:

'the plan was put forward with the intention that it should be rejected; it can be explained away only as a tactic to browbeat the opposition to India joining the British Commonwealth'.<sup>14</sup>

Which one of these stories is true we shall never find out? The Plan, anyhow, was abandoned and there was some confusion over this in London, because they had been assured by Mountbatten that he had the agreement of all Indian leaders. The situation in London was so confused that there were talks of sending a ministerial mission to fly to Delhi to find out the facts, or alternatively for Mountbatten to return to London to explain the incident. His official biographer put it like this:

'The Viceroy's first reaction was to bluster: nothing could be gained by his return; the Cabinet knew his recommendations; they must take them or leave them; if they left them, he would resign. V.P Menon and Lady Mountbatten did not have much difficulty in persuading him that the Cabinet were within their rights'.<sup>15</sup>

Mountbatten, after a strong expression of resentment from Nehru, decided to draw up a partition plan which would satisfy Nehru, if nobody else.

He asked Menon, his Hindu adviser, to help him out of this quandary. He said to Menon: '*V.P. (instead). I think if we have got to do a fresh presentation draft on this, we cannot change our position very much. This is to say, we have got to accept partition.*' Mountbatten continues: '*And that was when V.P. Menon put up to me proposals which I then put up and which were very far-reaching. The main thing about them, of course, was that by going back to the Government of India Act, 1935, utilizing the position of Dominion status, V.P. Menon worked the thing out with me and it worked*'.<sup>16</sup>

This was the final Partition Plan and it was drafted by a Hindu political adviser of Mountbatten. It was on the basis of this Plan that the great Indian Empire was partitioned and relinquished. V.P. Menon was very important to Mountbatten: he took him everywhere he went and listened to his advice very carefully.

One wonders – was there no-one of the same calibre and intelligence in the entire Muslim Community, who could have had an advisory role to put forward the counter-agreement? It is believed that if Mountbatten had also employed a Muslim adviser, who might not have had the same intelligence, but nevertheless, provided an opposite view, then the Viceroy would have had a balanced view of any given situation. And, of course, as a result of this balanced view he would have been in a better position to make decisions. Since he had only one adviser who happened to be a Hindu and a close friend of Patel, his advice more often than not was biased against the Muslim League, and obviously decisions made on the basis of biased advice would be biased too.

One could thus see the biased advice in action and Mountbatten himself explaining it: '*The real body-blow to Pakistan was Menon's view of India inheriting everything. They were the successor state and Pakistan was to leave them and there was no way Jinnah could get round that*'.<sup>17</sup>

Anyhow, Mountbatten flew to London with the new Plan drafted by Menon on 18<sup>th</sup> May; he also took Menon with him. He

arranged to see the King Emperor in Buckingham Palace, and also met Prime Minister Attlee and other leaders. He once boasted that:

*'I had as great control over the Cabinet as I had over the leaders in India at that time, and I had the most frightful, not so much conceit, but a complete and absolute belief that it all depended on me, and they had to do what I said or else'.<sup>18</sup>*

This was no more boast; Mountbatten did wield great power – he almost wrote his own terms and condition before he accepted the job of Viceroy, and even this time Attlee agreed that he '*should be given a large measure of discretion to amend the details of the plan, without prior consultation with Her Majesty's Government*'.<sup>19</sup>

The reason for giving him plenipotentiary powers over and above His Majesty's Government was his threat to resign, which ended like this: 'they had to do what I said, or else'. Mountbatten's resignation at this critical stage would have landed the Government in a quandary and the entire programme could have been sabotaged.

Mountbatten returned to Delhi on 31<sup>st</sup> May 1947, and prepared himself for the final showdown of this partition drama. On 2<sup>nd</sup> June he called a meeting of Indian leaders, and the following were present: Nehru, Patel and Kripalani for Congress; Jinnah, Liaquat Ali and Abdul Rab Nishtar for the Muslim League; and Baldev Singh for the Sikhs. He presented them with copies of the British Government's 'Immediate Transfer of Power'. Mountbatten told these leaders who were there to decide the future of India, that he wanted the answers by midnight. The copies were given to them at 10a.m., which meant they had about 14 hours to think and then approve or disapprove the Plan.

Mountbatten was sure that the Congress delegation would be pleased with the Plan, because he had gone out of his way to redraft the Plan, as desired by Nehru. But he had serious worries about the League delegation, particularly Mr. Jinnah. He decided therefore to meet him privately and asked him to accept the Plan on behalf of the League.

Jinnah replied, 'I must do this thing absolutely legally'. He said he wanted to hold a meeting of the League and get their approval, and that this could take up to one week. Mountbatten told Jinnah that it

Was a very important and serious matter and should be dealt with promptly. He said that if he did not get his answer by 8 am on 3<sup>rd</sup> June, he might withdraw his offer to divide India. Jinnah was unmoved and showed his disagreement with the time limit. 'I must do this in the logical and legal way' he said, 'as is properly constituted I am not the Muslim League'.

Once again Mountbatten endeavoured to explain the seriousness and urgency of the matter, and that the acceptance must be made before tomorrow's meeting. Mountbatten said to him:

*'I am going to tell you something. I cannot allow you to throw away the solution you worked so hard to get. It is absolutely idiotic to refuse to say yes. Congress has said yes. The Sikhs have said yes. Tomorrow, at the meeting, I shall say I have received an assurance from the Congress Party, with a few reservations that I am sure I can satisfy, and they have accepted. The Sikhs have accepted. I had a very long, very friendly conversation with Mr. Jinnah last night. We went through every point. Now at this moment, I shall turn to you and you will nod your head in agreement, and if you shake your head (to indicate disagreement) you will have lost the thing for good, and as far as I am concerned, you can go to hell'.<sup>20</sup>*

Mountbatten explains his worry about that moment in an interview by saying: *'Now I can tell you that if he had shaken his head, the whole thing would have been in the bumble pot. To think that I had to say yes for this clot to get his plan through, it shows you what one was up against. This was probably the most hair-raising moment, waiting to see if the clot was going to nod or shake his head. But isn't it fascinating that the whole thing should depend on which way he was going to shake his head'.<sup>21</sup>*

The words of Mountbatten would be obnoxious to many people. Apart from his Royal connections, he was a leading figure because of his political and military achievements. He was no ordinary man. But nor was Mr. Jinnah, who was the undisputed leader of millions of Muslims.

It is really disgraceful that such a high-ranking person as Mountbatten should have used these humiliating words to the Muslim leader. It should be remembered that he called Jinnah a 'bastard' as

well (see Chapter Thirteen, 'Mountbatten at Work', p.137. it shows that Mountbatten really disliked Mr. Jinnah, and his dislike had a great impact on the division of India.

Anyhow, the solution to the political problems of India was found in the partition, and all those present at the meeting showed their agreement. Apart from the division of British India, the great provinces of the Punjab and Bengal were also to be divided on the principle that the Muslim majority areas would become part of Pakistan.

Mountbatten set 15<sup>th</sup> August 1847 as the date for the transfer of power, and that gave them 73 days to unravel a number of inextricable problems. Apart from the division of the Punjab and Bengal, these included a referendum in the North-West Frontier Provinces and the Sylhet districts of Assam; the division of the Military and Civil Services; the assets and liabilities of the Government of India; the creation of a new administration for Pakistan; provision of security for minorities on both sides of the border and, above all, negotiations with 562 Princely States about their future, all had to be accomplished.

It was, by any standard, a gigantic task which demanded more time and careful planning. Mountbatten, because of the Congress pressure, was not prepared to give them any more time or even to have a second thought or do careful planning.

Major General Shahid Hamid has commented on the early transfer of power; he is quoted on page 123. I think it would be pertinent to repeat part of it here. He wrote: '*to the utter astonishment of all present, Mountbatten announced 15<sup>th</sup> August as the date for the transfer of power. It was a bombshell! I wonder what brought this last minute change. Does he realize the consequences? Why this hurry? Why this shock treatment?*'<sup>22</sup>

The decision was surprising to everyone, and even people in Britain were perplexed by it. The authors of *Freedom at Midnight* noted:

*'In the corridors of the Commons, Downing Street and Buckingham Palace, the news came as a shock. No-one, not even Attlee himself, had*

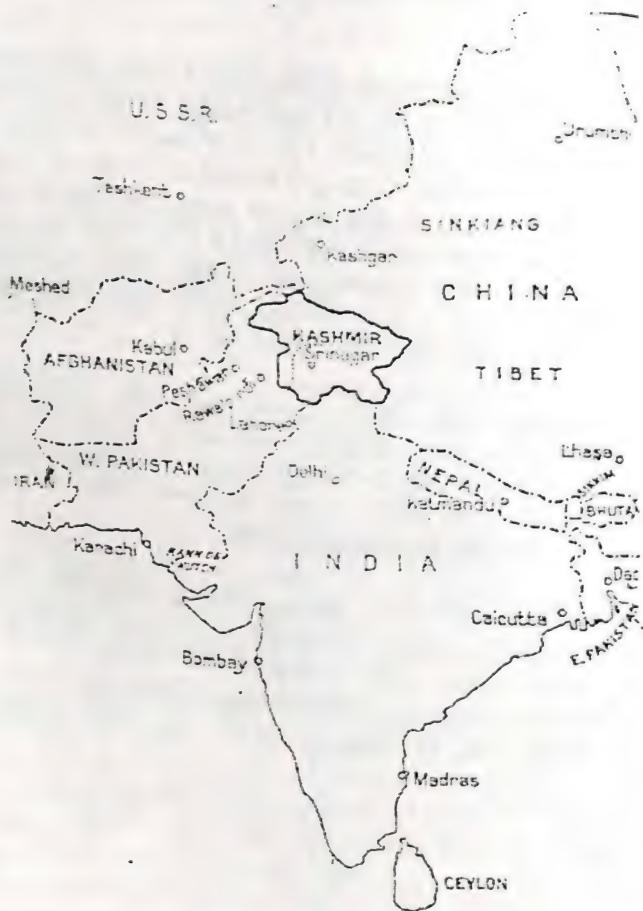
*suspected that Mountbatten was ready to bring down the curtain on Britain's Indian adventure so precipitately'.23*

The reasons for an early transfer have been discussed, and the following quotation is a statement from Mountbatten about the early date; it does not suggest that compelling circumstances forced him to decide on the date:

*'The date I chose came out of the blue. I chose it in reply to a question. I was determined to show I was master of the whole event. When they asked: had we set a date, I knew it had to be soon. I had not worked out exactly when. I thought it had to be about August or September and I then went to 15<sup>th</sup> August. Why? Because it was the second anniversary of Japan's surrender and I knew the thing was to have a date. However much I consulted my staff, they would all give me different dates, later dates, and this ludicrously early date really put the cat among the canaries, frightened them all'.24*

Commentators and writers agree that the time given by Mountbatten to iron out these difficult problems was not enough. The task demanded a lot more time and very careful planning, and this was not possible in the time allowed. In fact, an early date, only 77 days away, provided a sense of urgency and panic.

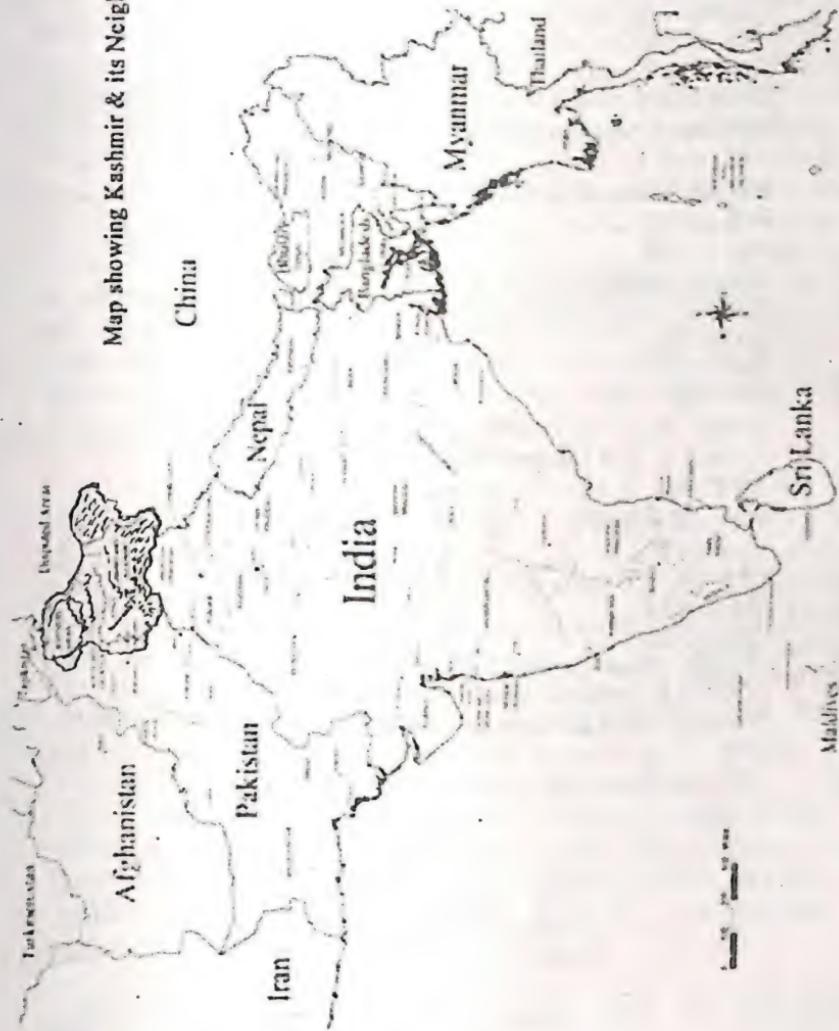
These embarrassed and panic-stricken people, driven by Mountbatten personally, had no opportunity or necessary experience to meet a challenge. Major General Shahid Hamid comments on this; *'Two states to be born in 77 days from now. There is no such parallel in history. It is sheer irresponsibility. It will lead to the most stupendous explosion'.25*



Kashmir and its Neighbours..

Map of the region after the Partition of India

Map showing Kashmir & its Neighbours



References:

1. Full text of the letter given to Mountbatten by His Majesty's Government, printed in *The Last Years of British India*, pp.146-147.
2. Ziegler, P., op. cit., p.386.
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4. Constitutional Assembly, debates, 10<sup>th</sup> October 1949, Vol. 10, No. 3, p/49, quoted in Tinker, H., *Experiment with Freedom*.
5. Collins, L., *Freedom at Midnight*, p.141.
6. Minutes of Viceroy's Staff Meetings: 29<sup>th</sup> Meeting, May 9<sup>th</sup> 1947.
7. Minutes of Viceroy's Staff Meetings: 30<sup>th</sup> Meeting, May 10<sup>th</sup> 1947.
8. Brecher, Nehru: *A Political Biography*, p.376.
9. Ibid., p.377.
10. Ibid., p.377.
11. Congress Bulletin No. 4, 10<sup>th</sup> July, 1947, p.11.
12. Collins, L. and Lapierre, D., *Mountbatten and the Partition of India*, pp.84-85.
13. Ibid., p.85.
14. Ibid., p.33.
15. Ziegler, P., op. cit., p.383.
16. Collins, L. and Lapierre, D., *Mountbatten and the Partition of India*, pp.85-86.
17. Ibid., pp.103-104.
18. Ibid., p.88.
19. Transfer of Power, Vol. 1. pp.967-968.
20. Ibid., p.67.
21. Ibid., p.68.
22. Hamid, Major General Shahid, op. cit., p.178.
23. Collins, L. *Freedom at Midnight*, p.195.
24. Collins, L. and Lapierre, D., *Mountbatten and the Partition of India*, p.73.
25. Hamid, Major General Shahid, op. cit., p.179.



## Chapter 15

## Joint Governor Generalship

Just as on many other issues, Mountbatten and Jinnah sharply differed over the question of a joint Governor General of both Dominions. Congress extended its invitation to Mountbatten to become the first Governor General of the independent India. This invitation had a special appeal to Mountbatten, and this gave him the idea of becoming a joint Governor General of both Dominions. In his view, Pakistan would gain most from it, since she was the weaker party in many respects, and more in need of an 'impartial figure' at the top, watching the partition process. There were many in his staff who agreed with the idea. It would have given his popularity a tremendous boast that he was so much liked by Hindus and Muslims that they chose him as their Governor General even after the British Raj was relinquished. But this dream could not have come true unless both Dominions offered him the post.

Once again Mr. Jinnah was there to frustrate Mountbatten, who was told that he (Jinnah) wished to appoint British Governors in all provinces of Pakistan except Sind, and that he had already appointed three British officers as Chiefs of the Armed Forces. But, he said, the people of Pakistan should not accept all this if Mountbatten were to become a joint Governor General of both countries. Jinnah further told him that, considering all this, he had reluctantly decided to become the Governor General of Pakistan himself, and that this was the advice of his intimate friends and the wish of the people.

Mountbatten was obviously not very pleased to hear this. He recorded that close associates of Mr. Jinnah (Mr. Liaquat Ali Khan and the Nawab of Bhopal) showed their agreement that he (Mountbatten) should become Joint Governor General. Mountbatten, in his endeavour to persuade Mr. Jinnah, he said:

*"You realise you have chosen the wrong thing. The man you want to be is the Prime Minister; he runs the country."*

"Not in my Pakistan", replied Jinnah, "there the Prime Minister will do what the Governor General tells him."

"That is the reverse of the whole British concept of democracy", replied Mountbatten.

"Nevertheless", said Jinnah, "that is the way I am going to run Pakistan."<sup>1</sup>

Mr Jinnah was unmoved by his arguments, and as a result Mountbatten became furious (he very rarely lost his temper) and said, 'do you realise what this will cost you?'

Jinnah sadly replied, "It may cost me several cores of rupees in assets".

To this Mountbatten replied somewhat acidly, "it may as well cost you the whole of your assets and the future of Pakistan."<sup>2</sup>

Mountbatten was very upset with this setback and his distress and confusion could be seen in the letter he wrote to his daughter Patricia;

'Your poor old daddy has finally and irretrievably 'boobed' and I have landed myself in a position from which I cannot conceivably extricate myself with honour. Either I accept to stay in the Dominion of India and be forever accused of taking sides...or I let down the Congress leaders....mummy feels I should preserve my reputation for impartiality and go on 15<sup>th</sup> August. The others feel I must not let Nehru down and must stay. In both cases I am in the wrong. In fact I have at last made a mess of things through over confidence and over tiredness. I am just whacked and worn out and would really like to go. I am so depressed, darling, because this stupid mishandling of the Jinnah Situation ... it has certainly taken me down many pegs.'<sup>3</sup>

Mountbatten could not decide for himself whether or not to become the Governor General of the new Dominion of India, which eagerly wanted him to.

He dispatched Lord Ismay to London for some advice on this. There were reasons for and against Mountbatten accepting the Governor Generalship of India. Muslims would feel that he had

deserted them for the stronger side; his impartiality was seen with scepticism by a group of Muslims, and if he decided to become Governor General of India, this was to strengthen this view, which could tarnish his popularity.

Also, as Governor General of India, Mountbatten could not logically be asked to be impartial, nor would the Indian Government allow him to do this; whereas there was a desperate need for someone impartial to oversee the inextricable process of partition.

Similarly, there was an argument for the acceptance of the Governor Generalship: that it was a personal relationship which led to the appointment rather than a job created by his office. There was a strong possibility that senior staff in the armed forces might have resigned if Mountbatten had decided to leave.

Above all, it was the decision of Mr. Jinnah to become the Governor General of Pakistan which denied Mountbatten the opportunity to become a Joint Governor General. Mr. Jinnah openly welcomed the appointment of Mountbatten as the Governor General of India, as he hoped for better from him than from dealing with Indian leaders only. It is a moot question what would have happened if Mountbatten had become Governor General of both Dominions or had not accepted the Governor Generalship of India.

This controversy caused further deterioration in the relationship between Mountbatten and Jinnah, and this was bound to have its impact when delicate decisions were made, especially when the provinces were divided. Jinnah would have his reasons for not letting Mountbatten become Joint Governor General, but it was a rather costly decision. Arguments for and against this decision could be raised, but it looks irrelevant to discuss this in great detail.

#### References:

1. Collins, L and Lapierre, D., Mountbatten and the Partition of India, p.70.
2. Viceroy's Personal Report No. 11. 4<sup>th</sup> July 1947, and Transfer of Power, Vol. 11, p.898.
3. Lady Mountbatten Papers, 5<sup>th</sup> July 1947, quoted in Ziegler, Mountbatten, p.399.



## Chapter 16

## The Future of Princes

With the acceptance of the Partition Plan there was a sense of victory and jubilation in British India; at last it was to achieve its independence. However, the future of Princely India was uncertain and opaque. The Princely States had been very loyal to the Crown ever since their Paramountcy was surrendered.

The Princely States rushed to the help of the British Empire whenever it was under threat. For example, during the Indian Mutiny of 1857, when the British Raj in India was seriously threatened, the Princes helped with money, resources and troops to re-establish British control.

Similarly, when Britain was involved in the World Wars, the Princes helped them with everything they had. They were expecting some kind of reward after the British victory in the War, and when Mountbatten was appointed as the last Viceroy of India, they were very pleased. They thought the King had appointed his cousin as the Viceroy and he was there to help them.

The Princes' dreams and expectations were soon shattered: Mountbatten was there, not to help them, but to destroy them. He was there to grant independence to India and to honour his friendship with Nehru, even if that meant bulldozing the rights of these loyal princes. According to Hodson:

Mountbatten was told by the king to look after the interests of the Princes. *'He has been charged personally by the king, upon his appointment, with special responsibility towards the future of the States; for His Majesty knew better than anybody how much the Princes treasured their direct relations with the Crown in its human as well as its constitutional form'*<sup>1</sup>

Although the 3<sup>rd</sup> June Statement did not clearly state the future position of the Princely States, Mountbatten knew what he had planned for them. The 3<sup>rd</sup> June Statement reads like this:

*'His Majesty's Government wish to make it clear that the decisions above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission memorandum of 12<sup>th</sup> May 1946 remains unchanved'.2*

It is clear from this that the 3<sup>rd</sup> June Plan or the Partition Plan did not specify the role and status of the Princely States, and this vagueness further increased the anxiety of perplexed princes. It appears from the above statement as if the Cabinet Mission Memorandum contained some kind of magic solution for the future of Princely States, but when it is carefully examined, its vagueness becomes apparent. The salient points in the Memorandum are as follows:

*'... An assurance was given to the Princes that there was no intention on the part of the Crown to initiate any change in their relationship with the Crown or the rights guaranteed by their treaties and engagements without their consent. . . But the British Government could not and would not in any circumstances transfer Paramountcy to an Indian Government. When a new fully self-governing or independent Government or Governments come into being in British India, His Majesty's Government's influence with these Governments will not be such as to enable them to carry out the obligations of paramountcy. Moreover, they cannot contemplate that British troops would be retained in India for this purpose. Thus, as a logical sequence, and in view of the desires expressed to them on behalf of the Indian States, His Majesty's Government will cease to exercise the power of paramountcy. This means that the rights of the States which flow from their relationship to the Crown will no longer exist and that all rights surrendered by the States to the paramount power will return to the States. Political arrangements between the States on the one side and the British Crown and British India on the other will thus be brought to an end. The void will have to be filled, either by the States entering into a federal relationship with the successor Government or Governments in British India, or, failing this, entering into particular political arrangements with it or them'.3*

It is known from the above that there was no precise advice or practical solution given to the princes. They were asked to negotiate with the successor 'Government' or 'Governments'. Commenting on the Kashmir problem, Alastair Lamb stated:

*'In one sense the Kashmir problem can be seen as a consequence of the British failure to find a satisfactory method for the integration of the Princely States into India and Pakistan which succeeded the British Raj'.4*

The 3<sup>rd</sup> June plan did not specify the future position of the Princely States, and this encouraged Nehru to declare that the States had no right to independence. In the meeting of the All India Congress Committee held on 15<sup>th</sup> June 1947, Nehru said bitterly:

*'We cannot permit anything to happen in India in any State which affects fundamentally the security of India, either in relation to defence arrangements or in relation to contact with foreign powers'.*

He maintained that the independence of any such state was 'not to be recognised by India and the recognition of such independence by any other foreign would be considered an unfriendly act'. In the same meeting a resolution was passed repudiating the claim of any State to declare independence and to live in isolation from the rest of India. It also maintained that the relationship between the Government of India and the States would not be 'exhausted by the lapse of paramountcy. The lapse does not lead to the independence of States'.5

Mr. Jinnah and his Muslim League strongly contested the view of Nehru and the resolution adopted by Congress, and unequivocally declared that: *constitutionally and legally, the States would be independent Sovereign States on the termination paramountcy and that they would be free to adopt any course they liked*. Mr. Jinnah further declared:

*'States could remain independent, and neither the British Government, nor the British Parliament, nor any other power or body could compel the States to do anything contrary to their free will and accord, nor had they any power or sanction of any kind to do so'.6*

Although the British Government agreed that paramountcy would revert to the States after transfer of power, leaving them free to choose any course of action which suited the interests of their States and public, Mountbatten had different ideas in his mind and openly declared that, though after the transfer of power the States were 'free'

to enter either Constituent Assembly or make other arrangements, they could not 'enter the Commonwealth separately as Dominions. In other words he wanted to deter them from following the path of independence.

In the meeting of 3<sup>rd</sup> June, it was decided to appoint a States Department of the Indian Government to control their relations with the Princes, and a corresponding department for Pakistan. Patel became the head of the department and Menon his Secretary. In the words of Lord Birkenhead, 'Patel's line can be summed up in a sentence: *'He intends, if he can, to inherit the rights, but not the obligations, of the paramount power.'*<sup>7</sup>

Sardar Abdul Rab Nishtar was the Head of the States Department in Pakistan, with Mr. Ikramullah as his Secretary.

Both Congress and the Muslim League had opposing views on the future of Princely States. Nehru, once again, in a speech at Gwalior, made it clear to the States' rulers that they must choose 'either to join the Constituent Assembly or to be treated as hostile'.<sup>8</sup>

In response to this, Liaquat Ale Khan in his press statement said: *'The Indian States will be free to negotiate agreements with Pakistan or Hindustan as considerations of contiguity or their own self-interest may dictate, or they may choose or assume complete and separate sovereign status for themselves.'*<sup>9</sup>

Despite these clear warnings from Congress, and from Nehru in particular, Mountbatten was determined to drive the Princes against their declared wishes. The majority of Princes wanted to remain independent, or at least preserve all their privileges and rights. Mountbatten's official biographer, Philip Zeigler, puts it like this:

*'Mountbatten replied that "I am trying my very best to create an intergraded India which, while securing stability, will ensure friendship with Great Britain. If I am allowed to play my own hand without interference, I have no doubt I will succeed". Mountbatten accepted the responsibility; from the moment the bargain with Patel was struck, he devoted himself to bullying and cajoling the rulers into accession.'*<sup>10</sup>

His official biographer further states: '*Corfield and others with similar loyalties, on the other hand, felt that the Viceroy was misusing the vast authority which his office and his Royal connections bestowed on him*'.<sup>11</sup>

Conrad Corfield was the Political Adviser for the States; he strongly disagreed with Mountbatten's policy of 'bullying' the rulers to accede to India or Pakistan. He believed that the eventual future of most, if not all of the States, lay within a united India, but he felt that the Viceroy was doing the Princes a grave disservice by forcing them to accede before the transfer of power. He believed if paramountcy was first allowed to lapse, the Princes would be in a strong position to negotiate an accession deal.

Apart from Conrad Corfield, there were many Statesmen who believed that the earlier lapse of paramountcy would:

*'enable the State to negotiate on equal terms with the successor government. At the same time, it would enhance the bargaining position of those who did not wish to join either dominion'.*<sup>12</sup>

It must be noted that prior to 1947 the British Government, on all occasions, declared its intention to keep faith with the princes, but as soon as a deal with Patel was struck, (for details see the chapter on the Partition Plan), Mountbatten changed his attitude towards the princes. Conrad Corfield writes that Mountbatten:

*'ceased to listen to the political Department from the day he made his bargain with Vallabhbhai Patel about promoting a limited adherence, which I could not support. Mountbatten told me that he had succeeded in persuading Patel to limit adherence to defence, to use his influence as the representative of the paramount power to recommend a bargain which could not be guaranteed after independence. V.P. Menon was virtually his political adviser from that date'.*<sup>13</sup>

As agreed between Patel and Mountbatten, Patel called a meeting of States on 25<sup>th</sup> July 1947, and invited them to join the Indian union in respect of defence, foreign affairs and communications, while preserving their sovereignty in all other matters. There were some

Princes of southern states like Travancore, Mysore and Hyderabad and many States in other parts of India who wished to form a federation outside the Indian union, but Patel with the help of Mountbatten dragooned them into accession to India.

Mountbatten helped Patel to twist the princes' arms into accessions. He assured the princes that their rights, privileges and possessions would be left intact. They would only surrender their rights regarding external affairs, defence and communication, and yet the same Mountbatten made this confession after three decades: *'And it never entered anybody's mind that Nehru's daughter would one day be the one to try to engineer their (the princes') downfall. It is terribly disgraceful what she has done. Do you know that some of these multi-millionaires are now practically down to begging? Some are really in a deplorable state, and it has been done in the beastly way.... princes' titles, palaces and other private possessions and privileges were preserved in the Constitution, which could only be changed by a 2/3 majority. This was the only safeguard for the Princes, but there was a warning waiting for them as well that if they committed a crime, they would be de-recognised, lose all their privileges and be arrested. This was part of the Constitution. What Indira Gandhi did was to ask the President of India, Giri, who was away on an official visit at the time (that is why he was known as the rubber stamp, when he came back) to write to all the Princes and de-recognise them...of course, they had committed no crime. This removed their privy purses, their palaces and private possessions, their titles, their freedom from arrest and their privileges. Later on Indira Gandhi was able to get 2/3 required majority (after winning a landslide election) and amended the Constitution as she wanted. She was previously beaten in the Upper House, though she got the bill through in the Lower House'.14*

Mountbatten briefly explained the plight of the princes; he did not go into detail. Nor could we, but every now and again stories appear about their destitution. Their children and grandchildren drive taxis, rickshaws and work as ordinary labourers to make their living. If Conrad Corfield could envisage that the Princes' privileges could not be guaranteed in an independent India after the British departure, one would imagine that a man of Mountbatten's intelligence and foresight could also have perceived that the princes' position would be very vulnerable in the Indian union. These Princes who had been very loyal

to the British throughout their principalities were driven by the Crown's representative, Mountbatten, to the Indian hegemony.

Mountbatten and Patel, through their contacts, influenced and pressurized the princes into accession. They had formal and informal meetings with the Princes and urged them to join the unions as soon as possible. There were some Rulers who wanted to execute standstill agreements and then wait and see, but this was bluntly refused, and they were told to sign the instrument of Accession which read like this:

*'Nothing in this Instrument shall be deemed to commit me (the ruler) in any way to acceptance of the future constitution of India or to fetter my discretion to enter into arrangements with the Government of India under any such future Constitution. Nothing in this instrument affects the continuance of my sovereignty in and over this state, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights enjoyed by me, as ruler of this State'.*

The draft Instrument of Accession provides that the States accede to the appropriate Dominion on 3 subjects only, without any financial liability. Further, that the Instrument contains an explicit provision that in no other matter has the Central Government any authority to encroach on the internal autonomy or sovereignty of the States.

One may ask, where are those powers, rights and sovereignty assurances were illusions. Their rule, their States and their future were doomed.

Sir Walter Monkton, in a letter to Churchill, wrote: 'There are many treaties whereby the British Government has guaranteed the protection of the States and the Dynasty against internal disorder and external aggression. Now it seems to be suggested that we can think or forget the treaties. I must say it sticks in my gizzard when I Congress. When one thinks of the attitude of the Princes in both World Wars, and that of Congress in 1942, one wonders if we must always be driven to let our friends down and appease our enemies'.<sup>15</sup>

(Monkton was referring to the Congress rebellion in 1942. From the beginning of the war it had been the Congress policy to exploit the war situation; to demand self-government at the time of England's greatest weakness, and to abstain from all participation in the war effort. In 1942, they abandoned the theory of non-violence and embarked on a violent revolution at a moment when British fortunes in the Far East were at their lowest ebb. Lord Birkenhead).

Despite all treaties, solemn pledges and assurances, Mountbatten was determined to drive the Princes against the wall in order to pressurize them into acceding unconditionally before the lapse of paramountcy. Mountbatten called a meeting of the princes on 25<sup>th</sup> July 1947, and urged princes to join the Dominions before 14<sup>th</sup> August 1947. What Mountbatten was doing and the way he was conducting his policy regarding States was causing confusion and resentment in London, as can be seen from the following:

When Mountbatten sent to Whitehall the text of his speech to the rulers which he planned to deliver on 25<sup>th</sup> July, civil servants minuted that it was inconsistent with the Prime Minister's assurances that the States would be entirely free to decide their own future. The impression is given that the Viceroy condones pressure on them to accept. Horace Rumbold, Assistant Secretary at the India Office, said that Mountbatten should be warned that he might be creating 'gave embarrassment for the British Government. Attlee approved a telegram telling the Viceroy he was going too far. In particular, his statement that the States must accede before 15<sup>th</sup> August 1947, was inconsistent with what had been said in Parliament'.<sup>16</sup>

One must admit that the great majority of States had hardly any historical claim to sovereign status, nor were they viable in terms of territory, revenue and resources. These states were viable because the British Government provided them with this status, which ultimately helped the paramount power to maintain its rule for so long.

But there were other states like Kashmir, Hyderabad, Mysore, Indore, Travancore, Dholpur and Bhopal which wanted to remain independent, and (especially the first three) had some historical background to support their demands. They also had trained armies and civil services, revenues, resources and above all the will to maintain their political identities. With organised administrations and areas

bigger than many European countries (around 84,000 sq. miles in the case of Kashmir and Hyderabad) they certainly had the potential to remain independent after the British departure.

Just as he did with the princes, Mountbatten was determined to force them into accession. The Nawab of Bhopal insisted that he wanted to stay independent, but he was pressurised to accede to India. At one time he threatened to abdicate in favour of his daughter and resigned from the Chamber of Princes.

Like so many other princes, he wanted to sign a standstill agreement with India before acceding, but he was bluntly told 'no'. This big 'no' was the reply for all those who attempted anything other than complete accession. In other words the vast majority of the Princes had, in practical terms, one choice: that was, to accede to India.

The ruler of Jodhpur, Maharaja Hanwant Singh, wanted to accede to Pakistan, provided Pakistan provided some concessions, which Jinnah accepted without any hesitation. This was unacceptable to Mountbatten and Congress, because it would have encouraged other states to accede to Pakistan, and this could have jeopardised the secret contract between Mountbatten and Patel. The Maharaja therefore was summoned to Viceregal Lodge in New Delhi, and told by Mountbatten that:

*'it would be in conflict with the principle underlying the partition of India and could only result in communal trouble within the State.'*<sup>17</sup>

When the Maharaja of Jodhpur eventually came to Viceregal Lodge to sign the 'Instrument of Accession', he used an exceptionally large pen. Mountbatten having left the room, he whipped out the nib, revealing a pistol barrel, which he labelled at V.P. Menon, exclaiming, *'I refuse to accept your dictation!'*

Menon told him not to indulge in juvenile theatraclals. The Maharaja calmed down and eventually signed the Instrument of Accession. *'This illustrates the anxiety and frustration of the princes.'*<sup>18</sup>

The same incident was recorded by the authors of *Freedom at Midnight* thus:

*'The young Maharajas of Jodhpur and Jaisalmer did not want to accede to India and they tried to negotiate a deal with Jinnah. He*

said to them "just write your conditions on this paper and I will sign it". The two men asked to withdraw to their hotels in order to think about details, but before they could do that they were confronted by Menon, who was waiting for them. Menon was tipped off by one of his mysterious sources as to their stratagem, which eventually could have drawn other States into Pakistan. Both princes were taken before Mountbatten to be rebuked and enforce accession. Mountbatten left Menon to get the impetuous rulers' signature on a provisional agreement. When he had gone, Jodhpur pulled out a fountain pen, made in his workshop, out of his pocket. After signing the text, he unscrewed its cap and revealed a miniature 22 pistol, which he pointed at Menon's head.

*"I am not giving in to your threats", he shouted. Mountbatten, hearing the noise, returned and confiscated the pistol".19*

There were many other princes who were forced to accede against their declared will. One Raja of Central India collapsed and died of a heart attack seconds after signing. The Rama of Dholpur told Mountbatten, with tears in his eyes:

*'This breaks an alliance between my ancestors and your King's ancestors which existed since 1765'.20*

Despite all this pressure and intrigue there were a handful of rulers who continued to 'resist the blandishments of Mountbatten, Menon and Patel. Where he had local Congress organizations, Patel ordered demonstrations and street agitation to force their hands. The Maharaja of Orissa was trapped in his palace by a mob, which refused to let him leave until he had signed. Travancore's forceful Prime Minister was stabbed in the face by a Congress demonstrator'.21

As a result of this, the Maharaja was badly shaken. The frightened Maharaja had no option other than to hand in an unconditional accession.

The Nizam of Hyderabad was another ruler who wanted to preserve his independence. Hyderabad was India's largest State, with a population of 16 million and a well-trained Civil Service. The French were prepared to recognize Hyderabad as an independent State, and

America promised to hold off until the negotiations for accessions were over.

Mountbatten said to the Nizam and others that if they did not accede they '*would no longer retain the advantages of connections with the British Commonwealth, nor would their subjects any longer be British protected persons*'. Mountbatten added that if '*the Nizam did not accede, his State would be ruined and his throne lost*'.

Monkton reported that this was intolerable blackmail; if Hyderabad were pushed too far it would go down fighting and kindle a Civil War all over India. At one point Mountbatten threatened to pull all the British troops out of Hyderabad before independence, thus leaving the Nizam practically defenceless. Lord Ismay and Abell protested that this would be a breach of faith'.<sup>22</sup>

The majority of princes thought that Mountbatten was there to help them. They thought that he would perform the miracle which would preserve them and their privileges. But he had no power or desire to do so. Instead, he wanted to persuade them to give up their claims to independence and their privileges. Mountbatten was determined to deprive the Princes of their independence.

It was the constitutional and legal duty of Mountbatten to protect the rights of Princes and defend their states, rather than threatening to render them helpless. Perhaps that is why one British writer, Hodson, commented on this in the following words:

*'There is no doubt where, between the two Dominions, Lord Mountbatten's heart lay. His closest relations in day-to-day politics had been with Pandit Nehru and Sardar Patel rather than Mr. Liaquat Ali. The official Indian advisers whom he trusted most were also Hindus. Such personal relationship influence a man's political attitude'.*<sup>23</sup>

Another British politician, Sir Walter Monkton, was also very upset with what Mountbatten was doing to the Princes. On many occasions he had heated arguments over the strategy and rights of the Princes. He wrote:

*'It is horrible that we should have encouraged the rulers to believe in our promises up to such a short time ago and should then*

*leave them without the resources to stand comfortably on their own feet. It is still worse that they should feel that in spite of loyalty, they are being left at the mercy of those who have proved in the past to be our enemies and theirs'.24*

The same unfortunate point was put by another writer like this: '*perhaps the princes were doomed to extinction anyhow, but that they should have been coaxed and driven to the slaughterhouse by the shepherd whom they trusted most is what adds poignancy to the scene'.25*

All these quotations clearly suggest that Mountbatten went out of his way to help Patel get instruments of Accession signed by unwilling Princes, and there was resentment against this policy not only among the princes, but also in British political circles. But nothing positive was done to stop Mountbatten doing what he was doing.

The British Government was not in a position to have political crises in India as well as at home. Any undesirable action against Mountbatten, or even the threat of one, could have meant his resignation from the post of Governor General of India.

Mountbatten had used the trump card of resignation a few times in order to get what he wanted, and he could have done it again. And his position as the last Viceroy to transfer power was important not only to the British prestige, but also to the process of transfer, because he was the architect and supervisor of the partition drama. Therefore, nobody dared to challenge him even though it was a known fact that not everything he did was right, at least morally.

The Princes had legally binding treaties with the paramount power (Britain). Their security and their foreign policy were the responsibility of that paramount power. But it was not stipulated in the treaties that the paramount power should fulfil these responsibilities only up to that time; in other words, there was no time span on them and the treaties were perpetual.

The British kept these treaties as long as the Princes were needed, but when the British decided to leave India the Princes and their responsibilities were only a burden to them, so they decided to leave them (the princes) at the mercy of the successor Governments.

But to delude the Princes and to unburden themselves of their responsibility, they created meaningless sentences and phrases, for example: '*paramountcy is not transferable... This means that the rights of the States which flow from their relationship to the Crown will no longer exist, and that all rights surrendered by the States to the paramount power will return to the States*'.

The question is; were these rights and powers returned to the Princes, or were they forced to give away whatever they already possessed? They were driven like a flock of sheep to the altar of Patel's and Mountbatten's agreement and slaughtered with the 'Instrument of Accession'.

Mr. Woodruff comments on the 'paramountcy'; he says: '*paramountcy whether transferable or not – was transferred. No State except Kashmir had any choice; the rest had to elect quickly for their nearer or more powerful neighbour and take what terms they were given. It would surely have been more realistic, more just and more honest to direct and control that transfer of paramountcy. The result of that meaningless phrase is a South Asia split by hostility. It is not surprising that some of the political advisers felt that their friends had not been fairly treated and that their work had been wasted*'.<sup>26</sup>

In Mr. Woodruff's opinion, Kashmir had some choice in deciding its future, whereas others were forced into accession. In one of the following chapters, it will be analysed what option, if any, the Maharaja of Kashmir had. The issue of the accession of Jammu and Kashmir needs special attention; therefore no mention is made of it here. It will be properly elaborated on and analysed later.



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## Chapter 17

## The Radcliffe Award

It was decided by Mountbatten that the British Raj would end on 15<sup>th</sup> August 1947, but before this date, there was a number of inextricable problems to be solved. The partition of provinces was one of these problems. His Majesty's Government's statement of 3<sup>rd</sup> June, Paragraph 9, included the following:

*'As soon as a decision regarding partition has been taken for either province, a Boundary Commission will be set up by the Governor General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also take into account other factors. Similar instructions will be given to the Bengal Boundary Commission.'*

The Punjab Boundary Commission had four members from Lahore High Court; two of them were Muslims, with one Sikhs and one Hindu, and with Radcliffe as Chairman. The decision to appoint him was taken by Mountbatten and approved by Nehru and Jinnah.

Radcliff appeared to be a man with no connections with Indian politics. He arrived in Delhi on 8<sup>th</sup> July 1947, and began his work without wasting any time. In fact, he did not have sufficient time to complete his task properly. In the Independence Act, it was not stated what would happen in the event of difference of opinion between members of the Commission. This ambiguity, in one sense, equipped the Chairman with unquestionable power.

Sir Cyril Radcliffe and his team had about 4 weeks in which they had to demarcate the great provinces of the Punjab and Bengal. Bengal alone had a population more than that of Great Britain and Ireland put together.

There were about 35 million Muslim and 30 million Hindus spread over an expanse of land running from the jungles at the foot of the Himalayas to the steaming marshes of the delta through which the

Ganges and Brahmaputra rivers drained into the Bay of Bengal. Thousands of villages, towns and cities had a mixed population of Muslims, Hindus, Sikhs, Buddhists and some other tribes, and there were thousands of canals, head works and factories which made the task even more difficult.

The situation in the Punjab was not easy either. There were about 36 million people living in 17,932 towns and villages, and, like Bengal, they were living together too. There were about 16 million Muslims, 15 million Hindus and 5 million Sikhs. Although they were divided religiously and looked on each other as enemies, they shared a common language, and equal pride in their distinctive Punjabi personality.

The prosperity of the area rested on the immense network of irrigation canals. The net of railroads and highways was designed to deliver the Punjab's produce to the rest of India. Wherever the frontier went it was going to create problems not only for the communication and irrigation systems, but also leave the communities divided throughout the region. This, of course, meant bitterness and animosity.

Radcliffe had to finish his work before 8<sup>th</sup> August 1947, and present the award to Mountbatten by the 9<sup>th</sup>. Radcliffe asked his team (the Punjab Boundary Commission) which consisted of the following: Justice Din Mohammed, Justice Mohammed Munir, Justice Mehr Chand Marjan and Justice Teja, to present their reports to him before 6<sup>th</sup> August.

At this time the relationship between the Muslims and non-Muslims (Hindus and Sikhs) was at its lowest ebb. Resentment, bitterness and religious hatred of each other resulted in widespread killing, which made the task even more difficult.

Despite all the problems and difficulties, Sir Cyril Radcliffe presented his report to Mountbatten on 8<sup>th</sup> August 1947, but the Viceroy's decision was not to make it public until after Independence Day. Why did he hold back the award, despite advice to the contrary from senior colleagues like G. Abell and General Sir Frank Messervy, who believed that the postponement of the award was causing 'uncertainty and imminent bloodshed'?

The immediate release of the award would have enabled troops to be moved into affected areas, and this would have helped to minimize the suffering. Also, it would have given some time to the people to plan their safe journeys to their new homes.

Mountbatten, of course, had different priorities and ideas about the award. He was much more interested in ostentatious ceremonies not riddled with bloodshed and violence. He knew that the award could begin a bitter argument of unfair treatment and could provoke the boycott of independence functions.

Major General Shahid Hamid, who was PA to Field Marshal Sir Claude Auchinleck, notes it in his diary like this:

*'Nobody knows the date of the announcement of the award. It is up to Mountbatten. It is said that he is terrified to announce it before the independence celebrations, as disturbances may ensue on a large scale, which would be his responsibility and that of His Majesty's Government to handle and control. This he is not prepared to face'.1*

Major General Shahid Hamid's contention is even supported by the Minutes of the Viceroy's Staff Meeting:

*'It was stated that Sir Cyril Radcliffe would be ready by that evening (of 9<sup>th</sup> August 1947) to announce the award of the Punjab the award to be ready by 10<sup>th</sup> August. However, it was now for straightforward. Without question, the earlier it was published, the more which would undoubtedly result'.2*

Before Radcliffe began his work, Mountbatten asked him to prepare the award before 9<sup>th</sup> August 1947, because he surely wanted to make it public before Independence Day. And when he was presented with the award, there was pressure from the Congress not to publish it; Mountbatten, in his personal report, notes it like this:

*'V.P. Menon went on to say that if the details of the award were given to them before the 15<sup>th</sup>, he thought they might well refuse*

*to attend the meeting of the Constituent Assembly which I was to address. If given to them later in the day he thought they would refuse to come to the State Banquet and the evening party'.3*

And the allegation in – that to Mountbatten success and pomp in these ceremonies was more important than the misery and bloodshed which his decision was to cause.

Anyhow, Mountbatten announced the award on 16<sup>th</sup> August, when all the ceremonies were over according to his plan, and there was resentment and criticism from both sides. Pakistan called it 'extremely unfair, disgusting, abominable and one-sided'. All national leaders strongly condemned it. Jinnah called it 'unjust, incomprehensible and even perverse'. He said, 'We have been victims of a deeply-laid and well-planned conspiracy executed in utter disregard of the elementary principles of honesty, chivalry and honour'.3

It is also a conviction in Pakistan that the Viceroy was offended by Jinnah's refusal to make him the Governor General of both India and Pakistan; and that he used his authority during the transition period to the detriment of Pakistan.

This resentment and hatred of Mountbatten was so deep-rooted that Pakistan refused to allow him to visit Pakistan in 1956 as the First Lord of the Admiralty, and then again in 1965, as Chairman of the Commonwealth Immigration Commission.

But despite disagreements, Jinnah accepted the award. He said: 'It may be wrong, unjust and perverse and it may not be a judicial but a political award, but we had agreed to abide by it. It may be our misfortune but we must bear up against this extra blow with fortitude, courage and hope'.4

The Congress leadership also made strong criticisms of the award, but when it is properly analysed one can see that the award was in their favour, and the criticisms appear to be merely bombast, just to counter Pakistani protests.

Before the award itself is analysed it is fair to give Mountbatten's version of things: why he delayed the award. In an interview given to the writers of *Freedom at Midnight*, he said:

*'I know that whatever he (Radcliffe) did was going to be violently attacked by both sides, if it came out on the day of independence. It would kill any hope of good feeling and goodwill. I felt it would be much better to let them have the joy of their Independence Day, and then face the misery after the situation'.<sup>5</sup>*

The Congress leaders were protesting over the Khulna and Chittagong hill tracts which were allotted to Pakistan, although they had a small non-Muslim majority. Most of these people were Buddhists and Animists; they were not Muslims but nor were they Hindus.

The main reason for giving these areas to Pakistan was their total physical and economic dependence on East Pakistan. As far as Khulna was concerned, it had 977,693 non-Muslims and 959,172 Muslims. It was given to Pakistan to compensate for the loss of Murshadabad District (centre of the old Muslim culture and tradition, with a clear Muslim majority (927,747 Muslims and 684,937 non-Muslims) which was given to India. If this was compensation, it was very generous one.<sup>6</sup>

Although the League leaders were disappointed in the Bengal award, its leaders did not protest much about it. Their attention was focused on the allocation of the Gurdaspur District to India. This district had a clear Muslim majority. It had four Tehsils: Batala (55% Muslims); Shakargarh (51% Muslims); Gurdaspur (51% Muslims); and Pathankot (38.08 Muslims). Gurdaspur had a clear Muslim majority in three out of four Tehsils, and the decision for the allotment in other areas was taken on the majority in districts, not Tehsils.

Even in this case, Radcliffe wanted to decide Tehsil-wise; but had this been done, three Tehsil should have been allotted to Pakistan and one to India. There was no justification whatsoever for giving the whole district to India. According to Andrew Mellor:

*'In the award, a particular cause of anger to the Muslims was that a large part of the Muslim majority area of Gurdaspur went to*

(Indian) East Punjab, thus giving India an extended frontier with Kashmir'.<sup>7</sup>

Even Nehru's political biographer Brecher notes it like this:

*'Muslim League leaders were dismayed, for Gurdaspur was of vital significance. It was then the only usable link between India and the Princely State of Jammu and Kashmir. A few months later, when the conflict over Kashmir arose, Pakistan's leaders blamed what they considered to be manifestly an unjust decision on Gurdaspur'.<sup>8</sup>*

There were reasons why Gurdaspur was awarded to India. The State of Jammu and Kashmir, which had 80% Muslim majority, was strategically very important. Nehru was infatuated with Kashmir and wanted it at all costs. Lord Birdwood wrote:

*'Had this district as a whole been awarded to Pakistan, the position of troops landed by air in Kashmir from India would have been quite untenable'.*

Even if three Muslim majority sub-districts of the Gurdaspur district were taken away from India, *'the maintenance of Indian forces within Kashmir would still have presented a grave problem for the Indian Commanders - for their railhead at Pahankot is fed through the middle of Gurdaspur sub-district'*.

Lord Birdwood further notes that, *'had the Gurdaspur district not been awarded to India, India could certainly never have fought a war in Kashmir'.<sup>9</sup>*

Another writer who witnessed the partition drama notes that *'At all costs Nehru wanted Kashmir to be part of India. Mountbatten gives his word that a corridor would be provided to connect Kashmir with India and the term 'other factors' would be used initially to give the Boundary Commission the latitude to do the necessary. The deal was clinched between them. Mountbatten also promised that the Ferozepore headworks would be part of India'.<sup>10</sup>*

It is claimed that apart from the Ferozepore headworks the district of Gurdaspur was allotted to Pakistan, and that when Radcliffe brought the award to Mountbatten, the latter was quite

annoyed to see it. He had promised Nehru a corridor to Kashmir, and without the district of Gurdaspur, India could not have got Kashmir. While staying as Mountbatten's guest in Delhi, after 9<sup>th</sup> August 1947, Sir Cyril Radcliff was persuaded by Mountbatten to change the award and tilt his justice towards India.<sup>11</sup>

This contention is further supported by the Manchester Guardian in an article called 'An Old Story':

*'That Sir Cyril Radcliffe's award, in his first draft, gave Gurdaspur to Pakistan, but he was persuaded by the then Viceroy to change his ruling. If India had not held Gurdaspur, it could scarcely have intervened in Kashmir'.<sup>12</sup>*

The story of Gurdaspur and the Ferozepore headworks is told by Justice Munir, a member of the Punjab Boundary Commission, who said:

*'After discussing some Tehsils of the Amritsar, Hoshiarpur and Zira Tehsils, and portions of the Fazlka and Muktesar Tehsils of the Ferozepore Districts, I received a pleasant surprise. Here, at least, Sir Cyril was agreeing with me. He distinctly told me that these areas which included the Ferozepore headworks would go to Pakistan, and I need not say any more about them.'*

Justice Munir further notes: *'The award was announced over the radio on 17<sup>th</sup> August; with the exception of Shakargarh Tehsil, the whole of the Gurdaspur Districts went to India. So did the whole of the Amritsar District and all the trans-Beas and Trans Sutlej Muslim majority areas, including Ferozepore, and the Zira, Muktesar and Fazilka Tehsil.'*

*'When I read the next, I was stunned. No reference was made to the arguments contained in the reports of the members. Here was an instance of a British lawyer trained in the traditions of British justice, the very first principle of which is that a party should show why a matter has been decided against him. If the award was judicial, it lacked every attribute of a judicial decision, and if it was political, why lay any claim to justice, fairness and impartiality? Why not say that India belonged to the British and the Viceroy gave it to whomsoever he liked'.<sup>13</sup>*

These allegations that the award was changed after 9<sup>th</sup> August is supported by a sketch map which Sir Francis Maudie, Governor of West Punjab, found in the confidential safe at Lahore. It had been left there by Sir Evan Jenkins, the last Governor of the undivided Punjab. Sir Evan wanted to avoid communal bloodshed in the Punjab, and therefore gained advance information from Sir Cyril Radcliff through George Abell, the Viceroy's Private Secretary. The information which was put in the sketch map showed that the Ferozepore headworks, Zira and the district of Gurdaspur were assigned to Pakistan.

This information is confirmed by many people. Some writers like Michael Brecher claim that the sketch map was drawn on the basis of a telephone conversation which was sent to Sir Evan Jenkins, Governor of the Punjab. But there are people who believe that the sketch map could not have been drawn on the basis of a telephone conversation. Mr. Kirpal Singh, who did research on the partition of the Punjab, notes:

*'Sir Francis Maudie, the Governor of the West Punjab, who succeeded Jenkins, informed the writer that the sketch map left by Jenkins among the confidential papers could not have been prepared on the basis of a telephone conversation. Sir Cyril Radcliff appears to have been aware of a map being sent to Abell.'*

*'Sir Zafrullah Khan told the writer that the Pakistan Government sent him the photocopies of three documents to be presented before the Security Council while discussing the Kashmir Issue: the forwarding letter in which Abell had stated that the map he was sending was supplied to him by Mr. Beaumont, Secretary to Sir Cyril Radcliffe; the sketch map which indicated the Punjab boundary line tallied with the Radcliffe award'.15*

Another writer, Shahid Hamid, who was Secretary to Field Marshal Sir Claude Auchinleck during this time, notes that:

*'On many occasions Radcliffe, supported by his Secretary, Beaumont, had said that the Muslim majority Tehsils of Ferozepore, which included the canal headworks, Zihra and Monaga, will form part of Pakistan. This has agitated the Hindus and Sikhs. It is said that yesterday (8<sup>th</sup> August 1947) Radcliffe had finalized the award. He has now submitted it to Mountbatten, who is trying to keep it a closely*

guarded secret. Many of its salient points have already leaked out through the staff of the Boundary Commission and through his own staff. A copy of the award, unwittingly, and unknown to Mountbatten, has been sent by George Abell to the Secretary of the Governor of Punjab and is known to many. It is common talk that Mountbatten is busy changing it - giving India a corridor to Kashmir through Gurdaspur as well as the Ferozepore headworks'.<sup>16</sup>

These quotations clearly demonstrate that Sir Cyril Radcliffe did change his award after it had been presented to Mountbatten, and that this change was in favour of India. Before discussion of this topic of alteration and award is concluded, it is pertinent to give Mountbatten's version of events. His official biographer, Philip Ziegler, notes:

*'The main evidence supporting the charge against Mountbatten consists of maps left among Jenkins' papers which were inherited by the Pakistan Government. These showed the demarcation line in the Punjab as sent by George Abell to the Governor under cover of a letter dated 8<sup>th</sup> August. The line announced on 16<sup>th</sup> August differed to minor, but significant extent, in India's favour. From this it was immediately deduced that Mountbatten had used the intervening week to secure the changes insisted on by his Hindu friends to whom, after independence, his allegiance would be solely due'.<sup>17</sup>*

Mountbatten's Private Secretary, Ian Scott, believed that 'it is possible that Mountbatten might have gone along with a suggestion from Nehru over Ferozepore. Mountbatten himself was told by Ismay that the Pakistani Foreign Minister was making great play with the discovery of the maps among Jenkins' papers'. After listening to this, Mountbatten replied: 'I am fairly satisfied that there can be no evidence in Jenkins' file to support any accusation that the award was tampered with'.<sup>18</sup>

Philip Ziegler remarks on Mountbatten's comments: 'The comment is certainly not an admission of guilt, but it is not the rousing affirmation of innocence that might have been expected'.<sup>19</sup>

Another British politician, Philip Noel-Baker, Secretary of State for Commonwealth Relations, hardly gave the Viceroy an unequivocal acquittal when he told Attlee, in February 1948, that:

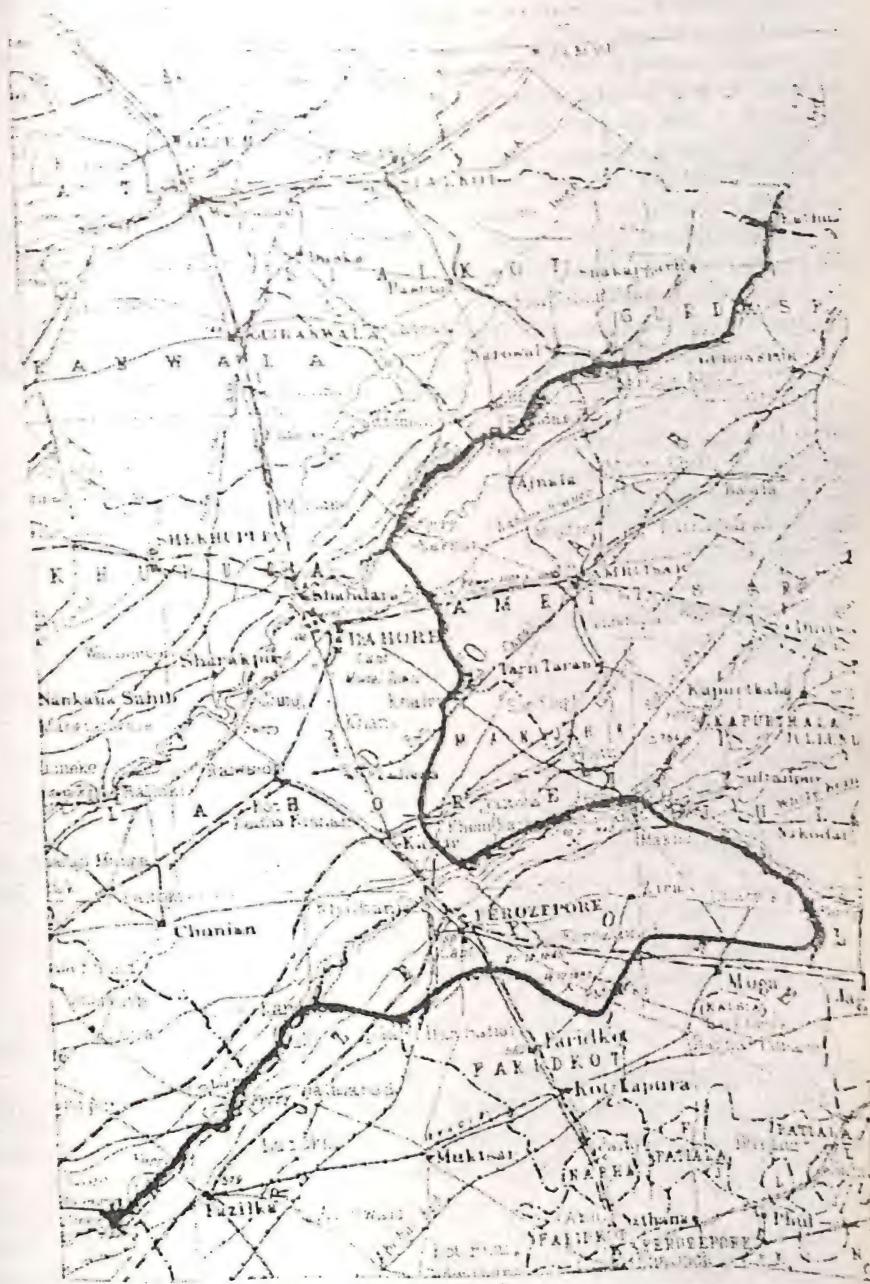
*'Radcliffe had indeed altered his awards at the last minute, but we have no knowledge that this was done on the advice of Lord Mountbatten'.20*

This, at least, confirms one thing: that the award was altered 'at the last minute'. The question is: who could have influenced him at this last minute? The members of the Punjab Boundary Commission presented their reports before 6<sup>th</sup> August 1947 and Radcliffe came to see the Viceroy on 8<sup>th</sup> August 1947 with the final report. Who was there in Viceregal Lodge with political power, love for India and high calibre to convince a person like Radcliffe, who had no political affiliation of any kind? All the circumstantial evidence and quotations point in one direction; and Shahid Hamid notes it like this:

*'All the rumours were true about Mountbatten amending the findings, and that he has destroyed the proof. The amendments Mountbatten made were common knowledge. The canal headworks at Ferozepore have been awarded to India at the instigation of his great friend, the Maharaja of Bikaner, who on the 11<sup>th</sup> sent his Prime Minister, Sardar Pannikar, and his Chief Engineer, Kanwar Sain, to see him and were given a long interview. It has convinced the Muslims that Mountbatten altered the award. It is also rumoured that Bikaner threatened to join Pakistan if the headworks were not given to India. Finally, Nehru was instrumental in getting the award altered. A corridor had been provided to Kashmir. Mountbatten wanted the bloodbath to happen when the two Governments had been established, so that the responsibility would not be his. However, Mountbatten told the Auk (Auchinleck) that he hoped that he (Mountbatten) had not made a wrong decision in not announcing the award on 9<sup>th</sup> August. The creation of a corridor is a present to Nehru for agreeing to the partition of the sub-continent. To cover up and dispel doubts, both the Sikhs and the Hindu leaders are condemning the award'.21*

There may be many more facts about the partition drama, but these are the only available facts. Perhaps the totality of the facts will never be known as many of the characters have died without revealing their knowledge. For example, Sir Evan Jenkins declined to write his memoirs, as he thought it was not 'in the interest of the Commonwealth'. Also, Jenkins was warned by Mountbatten not to speak out and 'burn all his official papers'.22

Anyhow, the information revealed in this chapter throws sufficient light for anyone to understand the partition tragedy. Map below shows original plan to divide the province of Punjab.



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17. Ziegler, P. op. cit., p.419.
18. Ibid., p.421.
19. Ibid., p.421.
20. Ibid., p.421.
21. Hamid, Major General Shahid, op. cit., p.235.
22. Ibid., p.300.



## Chapter 18

### The Cost of Partition

Congress reluctantly accepted the Partition Plan, but there was a large section of the Hindu and Sikh communities which firmly believed that Pakistan could not survive as a separate political entity. The extreme sections of the community were determined to kill every possible Muslim in order to punish them for supporting Pakistan. It is generally agreed by historians that it was the Sikhs and Hindus in the East Punjab who started the massacres. These massacres were pre-planned, and assisted by some officials. As major General Shahid Hamid puts it:

*'It is well known that in Punjab the Sikhs, assisted by the Hindus, are preparing for a communal war. The Maharaja of Patiala is supplying arms, ammunition and explosives and has also sent some of these troops in Mufti to Amritsar. The Maharaja of Faridkot has also joined in. He has been promised the district of Ferozepore. Army intelligence has unearthed these activities. The AUK (Sir Claude Auchinleck) has reported this to Mountbatten, but he has taken no action. The AUK is furious.'*

The famous Muslim politician Abu-al - Kalam Azad, who was a very prominent Congress leader and a strenuous supporter of a United India, was very worried about the threat of communal war. He at once approached Mountbatten and expressed his concern. Mountbatten replied, *'I shall see to it that there is no bloodshed and riot. I am a soldier, not a civilian. If there should be the slightest agitation, I shall adopt the sternest measures to nip the trouble in the bud.'*<sup>2</sup>

Apart from Azad, Mountbatten wrote to Prime Minister Attlee that *'the only hope of checking widespread communal warfare was to suppress the first signs of it promptly and ruthlessly, using for this purpose all the forces required, including tanks and aircraft.'*<sup>3</sup>

But when the planned massacre of innocent people began, Mountbatten's forces appeared to be insufficient and ill-organised, in the air there were no aircraft to kill or to deter the trouble-makers, but

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there were thousands of vultures looking at innumerable corpses for their dinner.

There were intelligence reports clearly indicating that the Sikhs were planning large scale massacres, and it was recommended that Sikh leaders like Master Tara Singh should be arrested. But there were others who were of the view that such an act could aggravate the already tense situation. Mountbatten for some reason agreed with the second piece of advice, and did not arrest any of the ringleaders.

This tactical move of Mountbatten gave a free hand to these trouble makers and they took full advantage of it. In these massacres, innocent people were butchered ruthlessly and their properties burnt to ashes. The destruction which resulted in this civil war and division was unprecedented in modern world history. The victims of this mass killing were mainly Muslims. As Lord Ismay wrote:

*'Delhi itself was on the verge of chaos. Muslims were systematically hunted down and butchered.'*<sup>4</sup>

This is not to say that Hindus and Sikhs were spared by the Muslims in the West Punjab; they were also killed and their houses burnt, but there was no preparation like that in the East Punjab. As Ian Stephens wrote: *'Large scale slaughter by Hindus and Sikhs had been carefully planned, whereas few if any examples of this sort of wickedness can be found on the Muslim side.'*<sup>5</sup>

Massacres of Hindus and Sikhs in the West Punjab were mainly in response to the atrocities committed on Muslims in the East Punjab. Another writer, Shahid Hamid, who witnessed the partition drama, puts it like this: *'The strife here was started by the Sikhs who have formed armed bands of considerable strength which are carrying out raids on Muslim, or preponderantly Muslim villages... There are also Muslim bands organised for the same purpose, but these are fewer in number, smaller in size, and less organised, apparently...'*<sup>6</sup>

Mountbatten on all occasions assured worried Muslim leaders that he would not spare any trouble makers, that he had vast experience in these matters, and that he would be able to control the threat of communal violence. Raja Ghanzafar, who was a Minister in Mountbatten's government, notes that:

*'before partition I drew Lord Mountbatten's attention to the preparations which the Sikhs and the RSSS (Rashtriya Sevayana Sevak Sangh), a militant Hindu organisation, were known to be making for large scale attacks on Muslims in the East Punjab. He told me he had received similar information from other sources. Lord Mountbatten gave definite assurances that if any community started trouble he would take the strongest measures. Yet after large scale killing of Muslims in the East Punjab had started, I reminded Lord Mountbatten in August of his promise, but found him cold and indifferent.'*<sup>7</sup>

It is generally agreed by historians and administrators of the time that if the ringleaders had been arrested before the partition, the communal violence could have been contained, if not stopped altogether. The Governor of the Punjab, Sir Evan Jenkins, relying on this intelligence sources, reported a Sikh plot to paralyse train movements to Pakistan, and also to kill Jinnah during the independence celebrations.

The matter was put before Mountbatten, who, after discussing it with Nehru, Jinnah and other senior staff members decided to round up the Sikh leaders, including Tara Singh, on the eve of the Transfer of Power. Mountbatten, in a letter to the Earl of Listowel, Secretary of State for India, wrote on 8<sup>th</sup> August 1947:

*'This man's statement involved Master Tara Singh in the production of bombs and of a Sikh plan to attack a certain headworks. Statements of other men who had been arrested involved Tara Singh in plans to wreck the trains carrying the Pakistan government staff from Delhi to Karachi and in plans to assassinate Mr. Jinnah during the celebrations in Karachi on 15<sup>th</sup> August. The evidence was so incriminating that Jenkins may have to arrest Tara Singh and the more hot-headed of his confederates shortly before 15<sup>th</sup> August.'*<sup>8</sup>

Despite this admission of a Sikh' plan' to attack headworks, wreck trains and even to assassinate Mr. Jinnah, the future Governor General of Pakistan, Master Tara Singh, and his friends were not arrested. The apparent reason given by Mountbatten was that the arrests could have aggravated the already tense situation. But most commentators agree that in the presence of such overwhelming evidence, which proved that Tara Singh and his friends were planning

terrorism and other drastic measures, they ought to have been arrested; and that there was no justification in allowing them to have a free hand to implement their evil plan of destruction and blood shedding.

Mr. Jinnah and many others believed that if the original decision had been implemented, the trouble would not have taken place. Major General Shahid Hamid believed that Mountbatten changed this decision on the advice of Nehru, and that Mountbatten 'had become an instrument in the hands of the Indian leaders and other trouble-makers.'<sup>9</sup>

The other main reason for this widespread destruction and mass killing was the delay in the announcement of the boundary award. Mountbatten deliberately wanted to withhold this vital information which could have saved thousands of lives. Mountbatten, in his 69<sup>th</sup> staff meeting, held on 9<sup>th</sup> August 1947, made it clear that early announcement was not desired.

*'However, it was now for reconsideration whether it would in fact be desirable to publish it straight away. Without question, the earlier it was published, the more the British would have to bear the responsibility for the disturbances which would undoubtedly result. Mountbatten further asked his staff to treat this matter as a top secret, as any kind of leak could have caused considerable embarrassment'.*

Mountbatten claimed that the boundary award would not be ready until 13<sup>th</sup> August, and it was not available for him before he left for Karachi for independence celebrations. But minutes of his staff meeting held on 9<sup>th</sup> August tell a different story:

*"The Viceroy emphasized the necessity for maintaining secrecy, not only in the terms of the award, but also in the fact that it would be ready that day Reference was made to a telegram from the Governor of Punjab concerning the situation in the boundary area, which was described as most serious. Sir Evan Jenkins asked for Army reinforcements, if possible; for a Tactical Reconnaissance Squadron; for the release of 200 provisional additional police at present lent to Delhi; and for the earliest possible advance information of the Boundary Commission's Award.'<sup>10</sup>*

The minutes of this staff meeting make it clear that Mountbatten wanted to hold the announcement of the Boundary Award until after Independence Day, so that the trouble which he knew would start would not be blamed on the British administration. This was done despite pleas from Sir Evan Jenkins, Governor of the most troubled province, Punjab, for advance information that the troops could be deployed in most of the affected areas before Independence. If this information regarding the award was held back for political reasons (See the chapter 'the Radcliffe Award') then no doubt it was a very serious matter, and perhaps this decision resulted in the deaths of thousands of innocent people.

Thousands of these lives could have been saved, but once the trouble makers, both on the Hindu and Sikh side and on the Muslim side, were let loose like the demons from Pandora's Box. It was impossible to control them. Perhaps it would have been best to round them up, but this was not done, and there was widespread communal violence, unimaginable and unprecedented.

Because of the delay in the announcement of the Award, people did not know until 17<sup>th</sup> August where their future home was; this also resulted in the loss of thousands of innocent lives. In the words of V.P. Menon, who was Mountbatten's Reform Commissioner, and a very close friend, *'It has been said that if a planned exchange of population had been arranged before the Transfer of Power, the communal holocaust would have been avoided.'*<sup>11</sup>

Even Mountbatten himself accepted that he should have arrested the trouble makers beforehand. But it was too late; his acceptance could not turn back the clock of history and save thousands of innocent lives. In Shahid Hamid's words:

*'Mountbatten admitted his mistakes by saying that he hoped he had not made too big a mistake by not announcing the Award on 9<sup>th</sup> August. He said that the storm was not unexpected, but its extent could not have been anticipated. He said he now realized that if he had rounded up the Sikh trouble makers, including Tara Singh, he would not have to face this day.'*<sup>12</sup>

The full extent of the trouble may not have been

known to Mountbatten, but he knew full well what was to come. He knew Hindus, Sikhs and Muslims were inflamed by hatred of each other and on many occasions ruthlessly butchered each other – not even sparing women, the old or children. His decision not to arrest the trouble-making gangs, coupled with the delay in the announcement of the Award, provided more fuel for the already burning fire. When the British Government was jubilant after finding a political solution to the insoluble Indian problem, he:

*'warned Attlee against celebrating the triumph too soon or too publicly, because the inevitable consequence of partition was going to be the most appalling bloodshed and confusion. He was under no illusion that what they had accomplished was important, he said, but he well knew that there was a price to be paid, and that price was going to be "terrible bloodshed in the India we have left".'*<sup>12</sup>

There were two main reasons why Mountbatten delayed announcing the award: the first was to give him the opportunity to change the Award secretly; the second was to let the blame for the violence, killings and chaos falls on the shoulders of the new Governments and keep British hands clean.

He knew the storm was coming; perhaps he was unable to stop it, but he could delay it until the British Raj was over. This is exactly what he did. If he had announced the controversial Award before Independence Day, as was originally intended, communal violence and bloodshed would have started immediately. This would have caused problems for the Independence celebrations and, more importantly, it would have tarnished the image of the British administration. This bloodshed and killing was inevitable, but in the opinion of many writers and contemporaries, the early announcement of the Award could perhaps have reduced the extent of the holocaust.

A full account of the communal violence cannot be given; perhaps no one knows exactly how many people were killed, but it would be pertinent to give some quotations to let the readers know what happened.

There were millions of people who did not know where their future home was, and when the planned massacre of unarmed civilians

began, they did not know what to do or where to go. General Rees reported the position roughly as follows:

*'The Sikhs, as they had threatened (and as Delhi had been warned), had opened their campaign of violence in the second week of August. It was as if in realizing at last that they would be the scapegoats of partition, no matter where the new boundary ran, they could think of only one anodyne for the pain that consumed them and that was to kill, kill, kill. The killing was both planned and, at the same time, blind and insensate. The Sikh leaders sat at the feet of their leader, Master Tara Singh, in the Golden Temple and listened to his inflammatory encouragement to violence, and then slipped away to pass the word to the Gurdwaras throughout the province. They had already formed themselves into murder gangs known as Jathas.'*

*'Jathas were of various strengths', reported Rees, 'in strength from twenty to thirty men up to five or six hundred or more. When an expedition was of limited scope the Jathas did not usually increase beyond the numbers which had originally set out; but if the projected operation was to attack a village, a convoy or a train, the local villagers would join and swell the assailants to several thousands. The usual method of attack, apart from assaults on villages, was ambush. As the crops were high, it was simple to ambush marching columns of refugees. The attackers would remain concealed until the last moment and then would pour in a stampeding volley, usually in the North-West Frontier fashion. The refugees would scatter in panic, whereupon the ambush parties would dash in with sword and spear. The Sikhs were the aggressors and they were better armed and prepared than the Muslims. The Jathas possessed hard cores of skilled fighters armed with rifles, grenades, Tommy guns and machine guns. Although the Punjabi Muslims also possessed firearms and trained men, and the nucleus of a military organization in the Muslim League National Guards, they lacked the cohesiveness of the Sikhs'.<sup>13</sup>*

The partition uprooted between 14 million and 16 million Hindus, Sikhs and Muslims from their homes, leaving behind memories of their childhood and their family possessions. The tragedy was that these people had no new homes to move into. They were forced to leave their homes and flee to safety, but at that time there were no safe places; armed gangs of Sikhs and Muslims were chasing and killing

innocent people. Perhaps the word 'kill' would not be the right word to describe these savage acts. According to Mosley:

*'If they were children, they were picked up by the feet and their heads smashed against walls. If they were female children they were raped. If they were girls they were raped and then their breasts were chopped off and, if they were pregnant, they were disembowelled. It was a time when trains were arriving at Lahore Station, Pakistan, packed with passengers, all of them dead. With messages scribbled on the sides of the carriages, reading: 'A present from India'. So, of course, the Muslims sent back trainloads of butchered Sikhs and Hindus with the message: 'A present from Pakistan'.<sup>14</sup>*

According to Leonard Mosley, there were, during these massacres, an estimated 600,000 people who died, and 100,000 young girls kidnapped and either forcibly converted or sold by auction. Although the main rivity or animosity for political, social and economic gains was between Muslims and Hindus, it was the Hindus who fiercely opposed the partition. Yet the partition resulted in a Muslim-Sikhs war rather than a Muslim-Hindu war. The gangs of Hindu extremists like RSSS confined their activities to back alley strangling of Muslims and window smashing in the principle towns'. As Leonard Mosley puts it:

*'In the last days and hours of the Raj, the casualties were mostly Muslim. The Jatha gangs had it all their own way. But the killing and raping was planned, and successful enough to give even the blood thirstiest a surfeit of flesh and an engorgement of revenge'.<sup>15</sup>*

Sikh Jathas were of the view that they were doing a service to their community by killing Muslims who, because of demand of Pakistan, caused the partition of their beloved Punjab and their sacred places. By these massacres they had taken their revenge and to some extent alleviated their pain and misery of partition. It was a kind of inflicting heavy injuries on him. But what they failed to note was that

*'Killing of a Muslim in the East would inevitably menace the lives of Sikhs in the West, for the Muslims were stimulated by the encouragement of revenge'.16*

These armed gangs were no longer normal people; they were burning with wild passions of anger and revenge. At that time they were no better than brutes, because no social, moral or religious law prevented them from doing inhuman acts. The authors of Freedom at Midnight, who did an extensive study of the Partition of India, noted these atrocities:

*'Sikh hordes roamed the countryside like bands of Apaches falling on Muslim villages or Muslim neighbourhoods. A particular savagery characterized their killings. The circumcised penises of their Muslim male victims were hacked off and stuffed into their mouths or into the mouths of murdered Muslim women'.17*

They described another incident which took place in Amritsar and which no civilized person could do:

*'They slaughtered its male inhabitants without exception. The women were repeatedly raped, then paraded naked through the city to the Golden Temple, where most had their throats cut'.18*

Leonard Mosley also writes on the topic:

*'That morning, in the bazaar quarter of Amritsar, the Sikhs rounded up a large group of Muslim girls and women, stripped them of their clothes, and then forced them to parade in a circle before the jeering crowd. Then a number of the choicest and youngest were dragged off and raped repeatedly. The others were chopped down by Kirpans, and out of thirty of them only half a dozen reached the sanctuary of the Golden Temple'.19*

The Muslims in the West Punjab were no angels; they also ruthlessly killed innocent people, but no incidents of the sort quoted above could be traced. As far as killing and looting goes, they were not far behind the Sikh Jathas, though the latter were better equipped and more organised in the campaign of killing innocent people. The authors of Freedom at Midnight note:

*'Whole streets of Hindu homes were ablaze while Muslim police and troops stood by watching. At night, the sounds of looters ransacking those homes seemed to Atkins like the crunch of termites boring into logs'.20*

Major General Shahid Hamid also notes that in Lahore (West Punjab), *'the aggression is chiefly by Muslims, said to be in retaliation for the massacring of Muslims in Amritsar (East Punjab). The most disturbing feature here is the defection of the police, particularly the special police, who were predominantly Muslim. There is evidence that the police were taking little notice of the orders of their officers, and that they actually joined hands with the rioters in certain instances'.21*

The problem of the police not doing their duty, taking no action when houses were looted and innocent people were killed, was there with all three communities – Sikhs, Hindus and Muslims. Hindus and Sikhs ignored the instructions of their British officers and helped in the massacres in the East Punjab; Muslim police did the same in the West. According to Leonard Mosley:

*'They knew their British officers had lost heart and influence. This was not unexpected in view of the fact that tomorrow or the next day they would be on their way back to England. Their prestige and power had been pierced by the end of the British Raj and the division of the army. They could no longer expect to be obeyed with unswerving and unquestioning loyalty'.22*

This behaviour of some members of the army and police could not be accepted, condoned or excused, but it is not altogether surprising, they were ordinary human beings, with little education and vulnerable to the poisonous propaganda of both sides. At that time when one's relatives, friends or co-religionists were butchered, and exaggerated stories of atrocities, coupled with hatred of each other, were spread, it was very difficult for the ordinary person to stay aloof from all this and submit to his duty.

Even people in the medical profession who, of course, were highly educated, and famous for their belief in humanity and saving lives, irrespective of patients' colour and creed, were not immune from communal feelings and hate. Some Hindu doctors completely shut their

eyes and ignored moral and professional values, as the authors of Freedom at mid-night note:

*'The Muslim patients at Lady Linlithgow's tuberculosis sanatorium in Kasuri were ordered out of the clinic by their Hindu doctors. Some of them had only one lung: others were recovering from surgery, but they were taken to the sanatorium's gates and told to start walking to Pakistan. '23*

Culprits, whether Muslims, Hindus or Sikhs, were inflicting crimes and pain on innocent people on a scale unprecedented in the history of India; and maybe in the history of the modern world. No-one in his senses could justify the atrocities committed by those heartless and bloodthirsty murderers.

The full account of deaths, rapes and acts of arson may never be known. Some people claim there were about one million killed and kidnapped; others claim there were 500,000 to 600,000 deaths. Mountbatten had been at the centre of all this. He had been praised for what he accomplished, but also bitterly criticize for it. It would be fair to the man to note his version of events and see what he had to say. Mountbatten, in an interview with the authors of Freedom at Midnight, said:

*'The idea that my "reckless speed" caused all the bloodshed is absolute nonsense. I have not the slightest doubt that any other course would have been a disaster. Winston (Churchill) told me, "You killed two million Indians". First, the actual figures are not two million. Penderel Moon, is the editor of Wavell's papers, gives in his book the estimate of 200,000. In fact, the famine of 1943 - 4 killed two or three million who lacked proper British administration. And, in fact, I let the Indians have 5% of my military shipping to bring food to them. We saved many more lives by doing that than were lost in 1947. The reason for speed was not to go and muck up Pakistan. It was because the thing was breaking up under my hands. The reason was that neither side would co-operate with each other. I could feel the damn thing simmering. It's like standing on the edge of a volcano and feeling the moment of explosion. It was not Patel who pushed it on me. It was the fact that I could not hold the damn thing together. '24*

The official biographers of Mountbatten note that in a speech at India House, he tried to minimise the scale of the holocaust: '*Only a hundred thousand people had died; only a small part of the country had been affected*'.

This attitude of Mountbatten was astonishing even to his close friends. '*I was horrified at Dickie's speech*'; Lord Ismay told his wife:

*'It seems to me immaterial whether one hundred thousand or one million have actually died; or whether 3% of the country is in turmoil. The essential facts are that there is human misery on a colossal scale all round and millions are bereaved, destitute, homeless, hungry, thirsty, and worst of all desperately anxious and almost helpless about their future'.25*

The official biographer of Mountbatten comments: '*there are others who argue if Mountbatten had proceeded at a less break-neck speed, the worst consequences of partition would have been averted. There would have been time to prepare people for the idea of partition, to persuade them to stay, if they insisted on moving, then the migration could have been planned with deliberation, troops and police drafted to the danger spots, convoys of refugees organised and protected*'.26

Whatever the exact number of lives lost in this tragic event, the most important question is: '*could this tragedy have been avoided?*' If Mountbatten had taken all the necessary precautions, i.e. had not rushed things, organised the population transfer, escorted refugee convoys and announced the award at the right time, giving the bewildered people sufficient time to go to their new homes, then the death toll could have been reduced. The Governor of the Punjab, Jenkins, wrote to Mountbatten on 10<sup>th</sup> July and reported the intentions of the Sikhs.

He wrote another letter on 13<sup>th</sup> July and reported that '*the communal feeling is now unbelievably bad*' and requested him to take necessary action. He also asked the Viceroy to:

*'Get hold of Sir Cyril Radcliffe's report and announce it before 15<sup>th</sup> August, to stop panic and the mad hurrying to and fro of populations from one dominion to the other. He suggested that a force*

*be moved into the area along the likely line of the new border to preserve peace.* <sup>27</sup>

Reports about the Sikhs' intentions were constantly coming to Mountbatten, even letters proving beyond any doubt that they meant trouble. But despite

This, Mountbatten decided not to take any action. Mosley writes: *'the documentation was sufficiently authentic to convince everyone present of its seriousness.'* He goes on to say that some action should have been taken to satisfy the Muslim leaders, and to avert trouble. He writes: *'It seemed at least reasonable that, in the face of such proof -backed as it was by repeated warnings of trouble from Jenkins- the Sikh trouble makers should be put out of the way until the Independence arrangements were completed. For once Jinnah appeared to have right on his side in asking for action to be taken at once. Yet once more Mountbatten hesitated. On this occasion, Lord Ismay urged him to take action. Surely, here was an occasion when a heavy hand should have descended upon the trouble makers and put them out of harm's way.'* <sup>28</sup>

The possible date for the publication of the award was discussed and it was argued on administrative grounds that the earliest possible announcement would be of help to Jenkins and would enable last minute troop movements to be made into the affected areas in advance of the Transfer of Power. Mountbatten said that if he could exercise some discretion in the matter, he would prefer to postpone its appearance until after the Independence Day celebrations.

One of Mountbatten's critics, Leonard Mosley, strongly criticised his decision to hold back the award:

*'In the light of subsequent events, he was obviously wrong to suppress the report for so many days, and he was obviously more wrong in failing to take the Indian and Pakistani Leaders into his confidence. A prior report would have given millions of Hindus, Sikhs and Muslims a chance to pack their bags and leave; a confidential report to Nehru, Jinnah and to the Punjab frontier force commander, General Rees, would have made it possible for dispositions and arrangements to be made in order to allow them to leave in some semblance of order. But millions of people died or lost everything as a result of this not having been done.'*

*'This is a matter for Mountbatten's conscience. It obviously did not trouble him-for Campbell- Johnson writes of his mood in the last minutes of the British Raj: 'As midnight struck, Mountbatten was sitting quietly at his desk. I have known him in most moods; tonight there was an air about him of serenity, almost detachment. The scale of his personal achievement was too great for elation; rather his sense of history and the fitness of things at this dramatic moment, when the old and new order of things were reconciled in himself , called forth composure.'*<sup>29</sup>

*'For a man sitting on a revelation which would in the next few weeks cause the death of nearly a million people and provoke the greatest and most miserable trek in history, it was a remarkable mood to be in. And yet, as Mountbatten was himself subsequently to say, what really did anything matter to the Indians except Independence?'*<sup>30</sup>

Mountbatten himself explains the massacres in the following words: *'Now if you just say: "200,000 people died", it sounds terrible. But what are 200,000? Out of 400 million? That's one person in 2,000- isn't it?'*

It is irrelevant whether 200,000 people died or 600,000 as claimed by his critics; what stunned most people was the attitude of Mountbatten; the way he explained it was shocking. The lives of so many people just did not matter to him.

Most people, even Mountbatten's critics, agree that the task accomplished was not an ordinary one. There appeared, at that time, to be no solution to the Indian political impasse, Noel Coward once said: *'When the Job is hopeless, they call in Dickie'*

Mountbatten's supporters argue that the tragedy was inevitable; no one could have done any better under the circumstances. They argue that he helped to save millions of lives in the 1943 famine by providing his ships; he could not have let those people die if there was a way out. But there are many who believed that the holocaust, or at least its extent, could have been averted if he had not rushed things.

Leonard Mosley points out that Attlee announced the possible date for transfer of power as June 1948. It was a genuine expression of the British people's will, although there were some Tories, including Churchill, who thought it was too precipitate. He argues:

*'Why then, after Mountbatten's arrival, did it have to be so drastically shortened to a date ten months earlier? This gives some weight to the claim that there was a secret deal between Patel and Mountbatten to transfer power in 1947 as the price for accepting partition.'*

Leonard Mosley argues that 600,000 Indians died for Independence and 14,000,000 lost their homes. *'Men became brutes. The air over the Indo- Pakistan frontiers was soured for at least a generation, unnecessarily.' He said 'it need not have happened. It would not have happened had Independence not been rushed through at such a desperate rate. Never has such a grave moment in the lives of 350,000,000 people been decided with such efficiency, such skill and charm, and without any real consideration of its profound consequences.'*

He continued his criticism, *'If the Labour Government was prepared to give India its freedom by June 1948, how was it possible to promise a divided India freedom ten months earlier. The new date was admittedly an announcement with which to impress a press conference - at which Mountbatten made it - but did he really expect it to create anything but chaos and the uttermost confusion - even if he could not have envisaged the killing and suffering that would stem from it.'*

He continued his attack on Mountbatten and said, *'Partition of India announced in May 1947, and no plans for dividing its army until June, with only six weeks to go the deadline. Partition announced in May, but the Commission to decide the boundaries along which the two states would be divided, not appointed until the end of June. Partition announced in May and Independence in August, but a people desperate to know, deliberately kept in ignorance of which country they belonged to until two days after Independence. These were surely avoidable blunders, and they cost hundreds of thousands of lives.'*<sup>31</sup>

Apart from Leonard Mosley, there were many other critics who agreed that the worst could have been avoided if Mountbatten had not adopted a typical sailor's attitude. It is argued that he wanted to finish the Job as soon as possible and then return to the Royal Navy, and that his Chief of Staff, Lord Ismay, was also eager to leave India.

According to Leonard Mosley, he '*hated every moment of his Indian assignment. His instinct was to do the Job quickly and damn the consequences. It hardly surprised him when the Indians, released from the benevolent control of the British, reverted to type and began to kill each other. He was too sick at heart at the end of the Indian Empire to have any desire to stop it.*'<sup>32</sup>

The Commander in Chief, Sir Claude Auchinleck, believed that '*if the original timetable had been adhered to it might have been possible to reconstitute the forces and avoid bloodshed. In fact, if the original timetable had been followed, there would have been no need to appoint a Supreme Commander. Mountbatten was very keen to have someone in that position as a scapegoat in case things started going wrong.*'<sup>33</sup>

Mountbatten and his followers claim that speed was important and that further delays meant a civil war, and hence more deaths. It is difficult to say whether further delays in the partition until June 1948 would have been more catastrophic, because the clock of history cannot be turned back. But it is generally agreed by many English historians, Indians and Pakistanis that further delays could not have been worse, because it would have given the authorities more time to prepare Indians for Independence and to organise the events properly.

Mr. Gordon Johnson, in his article on Indian Independence, wrote: '*The transfer of power in India really satisfied none of the parties. Partition did not meet the Muslim demands, and it ruthlessly sacrificed the interests of Sikhs, Princes, and a host of others as well. No wonder it caused so much bitterness and strife.*'<sup>34</sup>

After looking at all the facts before us, one could say that the price of partition was too high, especially when it is regrettable noted that it brought the new dominions of India and Pakistan into direct confrontation with each other over Kashmir and many other matters, thus constantly increasing the cost of partition.

The process of division, which began in 1947, has not ended yet. The price of it, even in 1947, was enormous, but the plight of the unfortunate people of the Sub-Continent did not end there. Millions more had to sacrifice their lives when the Dominion of Pakistan broke in two at the birth of Bangladesh.

By analysing the political mood and the separatist tendencies in both India and Pakistan, one fears that history might repeat itself. By observing political movements which emerged after unfair treatment of minorities, one may predict that major changes will take place in the political geography of the Sub - Continent. If this happens, as it is believed it will, the price of the Partition will go up yet again. But all this could have been avoided if the rights of minorities (Sikhs and others) and the rights of Princes had been safeguarded, and above all if the partition had been planned carefully and executed smoothly.

Before ending this it would be pertinent to quote Brecher, Nehru's political biographer:

*'The price of Partition was exceedingly high, not only in terms of the human suffering attending the 'Great Trek' in the Punjab , the travail of Bengal, and the legacy of mistrust and bitterness between the two successor states, but also in terms of the stated objectives of British policy. Among these were avoidance of loss of life and of dislocation as far as possible, protection of the minorities and preservation of unity to the maximum extent. On all three accounts the cost was enormous. When measured against these goals, the partition unquestionably registered a failure.'35*

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## Chapter 19



### Dilemma of the Princes

In the preceding chapters it has been explained that British India was divided on the 'Two Nations Theory' and how the Indian Independence Act provided the mechanism to complete this gigantic task. It has also been explained that the Partition was rushed through by Mountbatten mainly for political reasons, though there were some administrative difficulties too.

This 'remarkable speed' of Mountbatten, coupled with other reasons, resulted in chaos and mass killing, and provided him with an opportunity to boast: *'It took two years to separate the province of Sind from Bombay. It took two years to separate the province of Orissa from Bihar. Gentlemen, we decided that in less than 2½ months we shall have to go through the partitioning of one of the biggest countries of the World with 400 million inhabitants.'*<sup>1</sup>

Mountbatten rightly claimed that it took two years to separate those provinces, but the question is did that separation cause a similar kind of chaos and destruction? Many commentators agree that steady pace coupled with proper planning could have saved thousands of lives.

Once the principle of Partition was accepted and the 3<sup>rd</sup> June Plan was announced, Mountbatten and Patel began their campaign of hunting the bewildered and leaderless Princes. According to the secret agreement between Mountbatten and Patel, the latter agreed to the 3<sup>rd</sup> June Plan on the assurance that the former (the Viceroy) would do everything in his power to get the Princely States to join the Indian Union (see chapter 'Mountbatten at Work').

Lapse of paramountcy meant that the Princely States were free and independent, and Mountbatten himself said to the Princes during his speech in the Chamber of Princes on 25<sup>th</sup> July 1947, that:

*'The Indian Independence Act releases the States from all their obligations to the Crown. The States have complete freedom – technically and legally they are independent'.*

Mountbatten and Congress knew very well that once the British Raj was over and paramountcy had lapsed, the States would be legally independent, and once a State became a Sovereign State it would not easily abandon its newly achieved sovereignty. Therefore they planned (and planned it extremely well) that this should not happen, as it would have balkanized India.

This balkanization was not acceptable to the Congress at any price; and it was not desired by the British either, because it would have destabilised India, which could have become a victim of the growing monster of Communism. This danger was acknowledged by many politicians in India, but it was used to the best advantage of the Congress by the Congress leadership and the British officials, including Mountbatten.

V.P. Menon, Reform Commissioner and a close friend of Mountbatten, was also a right-hand man of Patel. He wrote to Sir George Abell:

*'The progress which the Communists have made from 1939 up to date is alarming. If this threat is to be dealt with, the States should join hands with the right wing of Congress. Therein lies the safety for the future of this country. If the States came in, they would be automatically represented in the Dominion Legislature which would be the Constituent Assembly, and the States' representatives would be able to act as a brake on the headlong career of British India'.<sup>2</sup>*

The Nawab of Bhopal was determined not to accede to either Dominion and he had strong reasons for not doing so. But he was worried about the threat of Communism; and Mountbatten very skilfully used the card of Communism to persuade the ambitious and stubborn Nawab. In a lengthy letter to the Nawab, Mountbatten wrote:

*'They (Congress leaders) are as frightened of Communism as you yourself are. If only they had support from all other stable influences such as that of the Princely Order, it might be possible for*

*them to ward off the Communist danger during the next few years, which will be the crucial period for this country.'*

He continued to press his point by saying that individual States would be more vulnerable and on their own they could not 'escape the tentacles of the revolutionary octopus . . . the interests of States, especially State like Bhopal, which is entirely surrounded by the territory of the Indian Dominion, and either both survive or both sink together. There is a far greater chance of averting this danger if the States and the Dominions stand together rather than in isolation: for it is this very isolation which the Communists now want'.<sup>3</sup>

Apart from this, Mountbatten and the Congress leadership wanted to make sure that nothing was included either in the Indian Independence Act or during the debate in Parliament that was tantamount to recognizing any of the Princely States which decided not to accede to either of the Dominions.

In order to overcome this problem, Krishna Menon was sent to London to brief Ministers and the Prime Minister. Krishna Menon also took with him a secret letter from Nehru and Mountbatten to be given to the Prime Minister. Mr. Menon's letter dated 18<sup>th</sup> of July 1947 to Mountbatten explains it all:

*'Your letter and a personal note from Jawaharlal (Nehru) which I brought here sent to Downing Street on Sunday last when I arrived here. It was at once sent on to Chequers, where the Prime Minister was. His secretary telephoned me before six and the P.M. saw me at ten the next morning. You have educated them all in hustling! The P.M. was glad to see me and to hear about you and all the news. I then tried to put our case about the States. He called in the Law Officers and Henderson, and we had about 75 minutes over it. Mr. Attlee was anxious to help. We went over the amendments to Clause 7, and even tried some other devices . . . I have also seen Listowel (Secretary of State for India and Burma), Henderson and Cripps, all of whom promised to do what they could in speeches to indicate that HMG (His Majesty's Government) would not welcome balkanization or Dominion Status for Princes. All of these were very co-operative.'*<sup>4</sup>

Before it is explained what Clause 7 was it is pertinent to see what Mountbatten had to say to the British Government on the subject of States. In secret telegram to the Earl of Listowel, Mountbatten said:

*'Any attempt made in Parliament to define the position of States not acceding to Dominion in respect of External Affairs would I suggest be premature and might indeed prejudice successful outcome of discussions here.'<sup>5</sup>*

Clause 7 of the Indian Independence Act, which according to Krishna Menon was amended after his briefing of the Prime Minister and other Ministers, reads like this:

*7(B) ... 'the suzerainty of His Majesty over the Indian States lapses, and with it all treaties and agreements in force at that date of the passing of this Act between his majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to the Indian States, all obligation of His majesty existing at that date towards Indian States or rulers thereof, and all powers, rights, authority and jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise.'*

Whatever the relationship which existed between the British and the Princes, either by treaty or otherwise, it was unilaterally terminated by the British. The princes were not even consulted about this important decision which had so much impact on their lives and their States. On the other hand, before the fate of the British India was decided, there were innumerable meetings and discussions and whatever was decided was agreed by the majority of the Indian politicians; yet it was these Princely States which helped the British in the time of crises, e.g. in 1857, at the time of the Indian Mutiny, the First World War and the Second World War.

Without the help of these Princely States the British could not have maintained their Raj for so long. The Princes felt let down by the British and many of them complained about this. The feelings of the Nizam of Hyderabad could be seen from the letter which he wrote to Mountbatten on 9<sup>th</sup> August 1947:

*'I regret that the clause, though it was discussed with British Indian leaders, was never disclosed to, much less discussed with me or'*

*any representatives of my State. I am distressed to see that clause not only contains a unilateral repudiation by the British Government of the treaties which have for so many years bond my State and my dynasty to the British, but also appear to contemplate that, unless I join one or other of the two new Dominions, my State will no longer form part of the British Commonwealth.. I feel bound to make this protest to your Excellency against the way in which my State is being abandoned by its old ally, the British Government, and the ties which have bound me in loyal devotion to the king Emperor are being severed.'*<sup>6</sup>

The political endeavours of the Congress and Mountbatten prevailed. Moral obligation to the Princes was one thing and political expediency was another. Treaty obligations to the States and their loyalty and services demanded that their interests and rights must be protected; and political and strategic requirements dictated a different line of approach.

The strategic importance of the Sub – Continent and the perceived role of India in the new Commonwealth demanded a policy of appeasement towards the Congress. Therefore, British Prime Minister Attlee concluded his remarks about the Princes in his second reading in the following manner:

*'If I were asked what would be the attitude of His majesty's Government to any State which has decided to cut adrift from its neighbours and assert its independence, I would say to the ruler of that State, 'Take your time and think again. I hope that no irrevocable decision to stay out will be taken prematurely.'*<sup>7</sup>

As this statement does not clearly indicate the real attitude of the British Government towards those States, which after considering all the pros and cons, finally decided to assert their independence, he was asked again at the committee stage to clarify the position, if the States would be pressurised to accede against their will. Attlee remarked:

*'I do not think it would be wise for me to add anything to what I said on second reading, which was to the effect that we did not want to bring pressure either way.'*<sup>8</sup>

In another statement he said, *'If I am asked what would be the attitude of HMG to any State which, having weighed all the*

considerations, has decided to cut adrift from its neighbours and assert its independence, I would say to that State- take your time and think again. We shall not be content to accept your decision and its consequences until we are satisfied that you are fully seized of the conditions offered and have irrevocably decided to reject them.'<sup>9</sup>

Despite these statements from Attlee, the situation regarding the independence of States to some extent still remained unclear and ambiguous, but one thing emerged from it very clearly: His Majesty's Government had no intention of exerting pressure on the Princes to accept accession against their wishes; the final decision rested with them.

Recognition of the States' right to independence was also there, but this did not mean that they could get the Dominion Status which most of the rulers wishing to assert their independence wanted, as they cherished their links with the crown.

In the chapter 'Future of the Princes, it was explained what kind of political pressure and other problems they encountered when they showed their desire to remain independent. Perhaps it would be pertinent to discuss some of the arguments put forward by the Princes and Mountbatten in defence of their respective policies.

The division of the British India took place in accordance with the 3<sup>rd</sup> June Declaration, in which it was made clear that the policy of HMG towards the Princely States was the same as that presented in the Cabinet Mission's Memorandum of 12<sup>th</sup> May 1946.

The Cabinet Mission's Plan was to have some kind of unitary government, and some Princes argued that they accepted the 12<sup>th</sup> May memorandum under the assumption that there would be a united India in which the States, the Congress, the Muslim League and other minorities would participate in the government – forming process and find their proper position in the future constitutional structure.

The situation now was completely different: the prospect of a united India was no longer there, and the acceding States were put in a weaker, or to be precise, powerless position. The States, therefore, should not be forced to accede to one or other of the Dominions.

This point of view was put forward by the Nawab of Bhopal, who had a personal friendship with Mountbatten as well. He pointed out that peace and tranquillity prevailed in his State between the two communities, and that he had never had a communal incident in the State. Now, when India was to be divided, he had landed in a quandary; it was difficult to decide which side, if any to take. Whatever the decision, it would be unpopular with one community. This could lead to serious trouble in the State and put an end to the peace and harmony which had been the outstanding feature of the State for so long. He wrote a lengthy letter to Mountbatten and said:

*'I can realize how desperately keen you must be for your Plan to come to its ultimate and logical fruition. If you were not only the architect of this Plan but also its interpreter, and if I knew that you would be permanently there with power to ensure fair play, I would have no hesitation in throwing in my lot with you; but unfortunately even Governor Generals pass on and the congress remains permanent in the forefront of the scene, a Congress which makes no secret of its intentions to destroy the princes.'* 10

He further pointed out that intention of the congress is to: 'Wipe out the Princely Order from the political map of India'. His desire was to keep peace and harmony between both communities, so he had decided to remain independent of both India and Pakistan. He declared that he would be friendly and co-operative with both Dominions on matters of common concern.

*'What is there immoral in the attitude which we adopt' he asked. 'If through two centuries in war torn Europe - the breeding ground of world wars - Switzerland has been allowed to remain an island of peace and an essential neutral to all warring nations of Europe, why cannot we, the Muslim and Hindu Independent States, serve and equally important purpose as neutral negotiators and friendly advocates in the delicate negotiations which will inevitable by necessary in a communally divided India... You may possibly feel that I am expressing matters too strongly; but you have only to notice that the recent scurrilous campaign of threats of violence and civil war, of political coercion, of bribery and blandishment, which has been conducted against the States, to see that the States who are unwilling to join the Dominion of India are quite justified in their reluctant attitude.'* 11

While all this was happening to the Rulers of the States who did not wish to join the Dominion of India, what was Mountbatten doing? Was he not aware of these incidents, and if he was (which he was), was it not his responsibility to stop this coercion and harassment? As a Crown representative he was specially asked by the king Emperor to look after the interests of the Princes. The attitude of the Princes was not 'immoral' or illegal; it was within their rights to accede or refuse it and enter into treaty relations.

The Nawab of Bhopal and the ruler of Indore met Mountbatten on 4<sup>th</sup> August and complained that:

*'The Cabinet Mission's Memorandum of 12<sup>th</sup> May 1946 had given an option to the States to enter into political or treaty relationships with the successor authorities. Now Congress were saying that they would not accept standstill arrangements with those States which did not accede.' 12*

Perhaps Mountbatten knew this, and he also knew the intentions of the Congress leadership (which was evident from many speeches), that they wanted to 'destroy the Princely Order' and Mountbatten, instead of reprimanding the Congress leadership to stop coercion and political blackmail, insisted that the Princes must accede before 15<sup>th</sup> August.

This line of action was not only annoying and perturbing to the Princes, it was also perplexing for the Secretary of State for India and Burma, Lord Listowel, who on 29<sup>th</sup> July 1947, wrote a letter to Attlee and drew his attention to the fact that the time limit which Mountbatten had given to the princes, that they must join before 15<sup>th</sup> August, was 'inconsistent with what was said on the subject of the States in Parliament'. He continued that:

*'We are therefore answerable in a special way for what he may do and it would seem advisable to answerable in a special way for what he may do; and it would seem advisable to warn him of the dangers, particularly in view of the importance which the opposition attaches to no pressure being put on the Princes by us.' 13*

Lord Listowel sent a secret telegram to Mountbatten on 1<sup>st</sup> August and expressed his and his Prime Minister's concern over the matter. The telegram was approved by Mr. Attlee and it ended like this: ... *'with these considerations in mind, government spokesmen in Parliament made it clear that States might need some time in which to make up their minds. Indeed, this fact is surely the justification for the standstill agreement.'*<sup>14</sup>

After receiving some explanation Mountbatten, Lord Listowel sent him another telegram on 2<sup>nd</sup> August:

*'I have telegraphed to you some comments on the speech you made on 25<sup>th</sup> July to the representatives of the States. It is not altogether clear to me how the States can, in fact, be expected to complete by 15<sup>th</sup> August the process of adherence to the Constitution of India, even if this is limited to three subjects. The draft instrument of accession, of which you sent a copy, would seem to open up various questions, such as the method of administration of the federal subjects in the States which would require their careful examination.'*<sup>15</sup>

To Lord Listowel it looked improper and 'with the declared policy of the British Government to apply any kind of pressure on the rulers for accession; and it also looked logical to him that the States had 'Justification for the standstill agreement'; but Mountbatten was determined to get' a basketful of states before 15<sup>th</sup> August' (for this secret agreement see details in chapter 'Mountbatten at work') which was part of an agreement between Patel and him.

Encouraged and helped by Mountbatten, the Congress leadership drove leaderless and bewildered Princes against the wall and declared with threatening behaviour: 'Accede before 15<sup>th</sup> August, or prepare yourself for the ultimate consequences.'

Congress did its homework properly and before starting a campaign against Princes, some time was spent on Mountbatten in order to get his whole hearted support for this rather difficult and complicated task. V.P. Menon, who was in a very privileged position and enjoyed full confidence of both Mountbatten and the Congress leadership, once again did what was required of him. In his own words:

*'Incidentally, I proposed (to the Congress leadership) that the active co-operation of Lord Mountbatten should be secured. Apart from his position, his grace and his gifts, his relationship to the Royal Family was bound to influence the Rulers. Sardar (Patel) whole-heartedly agreed and asked me to approach him without delay... I felt that he (Mountbatten) was deeply touched by my remark that the wounds of Partition might to some extent be healed by the States entering into a relationship with the Government of India that he would be earning the gratitude of generations of Indians if he could assist in achieving the basic unity of the country. I confess that I was seized momentarily by the fear that Lord Mountbatten might be adversely influenced by some of his advisers. But to my relief and joy, he accepted the plan. Lord Mountbatten discussed the matter with Sardar (Patel). This frank talk enabled them to explain and understand each other's point of view. I should add that Nehru, with the approval of the Cabinet, readily entrusted Lord Mountbatten with the task of negotiating with the rulers on the question of accession and also with the task of dealing with Hyderabad.' 16*

This clearly shows that the Congress leadership very shrewdly earmarked Mountbatten to accomplish a task for them, a task which they could not have fulfilled on their own and which was in the best interests of the Congress. Menon confessed that he feared Mountbatten could be 'adversely influenced by some of his advisers', but Mountbatten was so much dedicated to the 'plan' that he ignored all the advice which could have endangered the required success.

Sir Walter Monckton, the Viceroy's political adviser on States, clearly disagreed with Mountbatten's policy, but Mountbatten paid very little attention to his advice on these matters. He even brushed aside the advice and mild warning of Lord Listowel, the Secretary of State for India and Burma, regarding his policy towards States, and continued doing what he thought was best for the States and the Dominion of India. At the time when Mountbatten and the State Department (which was set up by the Central Government to deal with the Princely States) were busy pressurizing the Rulers of the Princely States for accession before 15<sup>th</sup> August, Sir Walter Monckton wrote a letter to Churchill on 9<sup>th</sup> August, which explains some of the disagreements:

*'In my considered judgement, if the Nizam (The Rule of Hyderabad) were to decide to accede now, there could be an uprising and bloodshed on a large scale caused by his Muslim subjects who would resent, as they would think the southern bastion of the Muslim world in India was being abandoned after all these centuries to the Hindus without a struggle... my fear that these matters of coercion and pressure will really be carried out has increased as a result of information given to me by several rulers who intended to accede and who, in the course of discussions, have shown me notes of interviews with the representatives of the State Department and others, in the course of which the threats I have mentioned above were used and it was anticipated in terms that Hyderabad would be compelled to accede by the methods within one month..... it may well be that you will not hear from me again upon this matter apart from a short message to let you know that the German tactic on the old European model has been adopted in India. But I rely on you in the name of our old friendship to see that if this shameful betrayal of old friends and allies cannot be prevented, at least it does not go uncastigated before the conscience of the world.'17*

Mountbatten, in his letter to Lord Listowel on 8<sup>th</sup> August, claimed that he was doing a great service to the Princes by negotiating best terms for them and there was 'no question of any pressure or undue influence' during these negotiations, but Monckton's letter and other evidence contradict this claim.

Mountbatten, in the same letter, gave his explanation regarding his policy towards the Princely States. In a way it was a response to Lord Listowel's telegram in which he questioned the justification of his policy regarding the States; he wrote:

*'I took the opportunity on 29<sup>th</sup> July to advise the Princes to align themselves with one or other of the two Dominions, while I, in my capacity as Crown Representative, was still in a position to safeguard their interests and to obtain fair, even generous, terms from Sardar Patel, the member in charge of the State Department and the man who can deliver the goods on behalf of the Dominion Government that will come into existence on the 15<sup>th</sup>. As soon as I turned my attention to the problems of the States, it became evident to me that their independence, based on the Cabinet Mission Memorandum of 12<sup>th</sup> May 1946, read with 3<sup>rd</sup> June statement, would*

*not be worth a moment's purchase unless they had the support of one or other of the two Dominions, principally because of the wide gap that prevails between the rulers and the ruled. Barring a few States, the rest have no real military forces of their own, and such police they possess are hardly adequate even to deal with their internal situation. The importance of completing these negotiations by 15<sup>th</sup> August is that I shall cease to be the Crown Representative on that day and the States will thereafter have to make their own terms with the Dominion. It is clear that the compulsion of events will sooner or later force them into the arms of the Dominions. It is equally clear that once the present chance is missed, the terms which the Princes will receive will not anywhere be as generous as the terms which I can secure for them now, while I am still Crown Representative.* '18

Lord Listowel appeared to be impressed with this explanation. He left the post of State Secretary for India on 14<sup>th</sup> August (as there was no need for the post after the independence of India and Pakistan. He paid tribute to Mountbatten:

*'May I say before I leave the India Office what a great privilege it has been for me to be associated with you in the unique record of British Service to India marked by your Viceroyalty. I believe that your outstanding ability and fearless determination have saved India from unimaginable disaster and that your achievement will be remembered in time to come as one of the greatest feats of statesmanship in history.'* 19

Lord Listowel extolled Mountbatten's achievements in India, but that does not necessarily mean that he agreed with everything he did in India. On 2<sup>nd</sup> August he criticised Mountbatten's policy towards the States. This letter of praise was written on 14<sup>th</sup> August, and whatever Mountbatten wanted to do to the Princely States he had, by that time, almost done it, and agreement or disagreement from Lord Listowel could not have changed anything. So one could see the logic. Lord Listowel did not want to annoy Mountbatten, especially at the time when their official relationship was to come to an end on the very same day. Also at that time, he did not know the tragic loss of human life which could have been reduced.

Anyhow, Mountbatten had a valid point in his explanation that he wanted to get the best terms for the Princes while he was there

as the Crown Representative. It is also agreed that the great majority of the States had no justification for a separate existence, and this is why they were easily persuaded to join the Dominion of India.

But those States which had potential and desire to remain independent, despite Mountbatten's advice to the contrary, he should not have allowed the Congress to pressurize them into accession, and this was in line with policy of His Majesty's Government.

Mountbatten claimed that what he did was in the best interests of the Princes; the truth of the matter is that it was not in the best interests of all the Princes, but was definitely in the best interests of India and the Congress. Mountbatten committed himself to getting Congress '*an integrated India which, while securing stability, will ensure friendship with Great Britain. If I am allowed to play my own hand without interference, I have no doubt that I will succeed.*'<sup>20</sup>

The Press statements of the Congress leadership, including Nehru, made their intentions quite clear: that they would not tolerate the Princely Order in the future India. This was brought to the attention of Mountbatten by the Nawab of Bhopal as well. He knew that he could not guarantee that the future government of India would preserve the rights and privileges of these Princes, and yet he assured the Maharaja of Dholpur that:

*'Immediate accession to a Dominion on the three subjects of Defence, External Affairs and Communications will not prejudice the position of States either in regard to their participation in the Constituent Assembly or their ultimate freedom to join or not to join the union constitution that may eventually be adopted by that Assembly... I have been able to understand your Highness' point of view that you are afraid that if you sign the instrument of accession you will find yourself linked against your will to an independent Government without a monarchical head. If you accede now you will be joining a Dominion with the King as head. If they change the Constitution to a republic and leave the British Commonwealth, the instrument of accession does not bind you in any way to remain with the republic. It would appear to me that that would be the moment for your Highness to decide if you wish to remain with India or reclaim full sovereign independence.'*<sup>21</sup>

Mountbatten here gave the impression that if the Prince joined that Union on the three subjects, then it would be their prerogative either to stay in the Union or to secede to claim full sovereignty. In actual fact, once the Princes joined the Union, after some time, they became like a herd of sheep driven by a shepherd – in this case the Constituent Assembly.

Even Mountbatten was not pleased with what happened to the Princes after they had joined the union; he said:

*'Do you know that some of these multi-multi-millionaires are now practically down to begging? Some are really in a deplorable state, and it's been done in the most beastly way.'* 22

(See, the future of Princes' chapter for more on the fate of princes).

Mountbatten assured the Princes that their rights and privileges would be respected and that they would enjoy internal autonomy, more or less similar to that enjoyed under the British Raj. Most Princes were sceptical about this, and their scepticism was shared by Sir Walter Monckton, who pointed out to Mountbatten that: *'you are selling something you have not got'*.

What he meant was that Mountbatten could not guarantee these privileges after 15<sup>th</sup> August, as he would only be a constitutional Governor General of India, and again for a limited period. With all his charm and persuasive ability, he might have been able to avert the disaster while he was there; but after his departure it was the mercy of Congress.

The Princes knew about the intentions of the Congress Leadership and therefore were very reluctant to join the Union. But Mountbatten insisted that it was the only option open to them and that it was in their best interests to take; however, the future of India was more prominent in his mind than the interests of the Princes.

As agreed with the Congress, he wanted to give them an 'integrated India' which would provide stability for the region. If India had more than two independent States then- the Congress argued – this 'balkanisation' would make the Dominion of India and other

independent States vulnerable and they would become victims of the Communists, who had increased their activities in that part of the world. It appears that Mountbatten's mind was working on these lines too, as his letter to the Earl of Listowel seems to suggest:

*'There is still another aspect from which we may look at the case. The Indian Dominion, consisting of nearly 3/4 of India, and with its immense resources and its important strategic position in the Indian Ocean, is a Dominion which we cannot afford to estrange for the sake of the so-called independence of the States. I have no doubt you will agree with me that, although we had to agree to the plan of partition, we had no intention to have it balkanised or to weaken it both internally and externally.'*<sup>23</sup>

Perhaps one could say that there was more than one reason why Mountbatten insisted that the Princes should accede before 15<sup>th</sup> August, and there could be some valid points in favour of his policy, equally, there would be valid points against it. In the next chapter, his endeavours and the political activity which surrounded, strategically, the most important and beautiful State of Jammu & Kashmir will be analysed.



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7. 5<sup>th</sup> Parliamentary Debate, 10<sup>th</sup> July 1947, House of Commons, Hansard, Vol. 439.
8. Parliamentary Debate, 14<sup>th</sup> July 1947, Ibid., Vol. 440, Col. 112.
9. Transfer of Power, Vol. XII, pp.41-42.
10. Ibid., pp.292-293.
11. Ibid., pp.292-293.
12. Ibid., p.508.
13. Ibid., p.403.
14. Ibid., p.460.
15. Ibid., p.481. (\*For details of this secret agreement, see The Great Divide, p.367 and Viceroy's Personal Report No. 14.)
16. Menon, V.P., The Story of Integration of Indian States, p.394.
17. Transfer of Power, Vol. XII, pp.614-615.
18. Ibid., Vol. XII, p.588.
19. Ibid., Vol. XII, p.727.
20. Letter by Lord Listowel, 4<sup>th</sup> August 1947, quoted Ibid., p.530.
21. Ibid., p.392. (\*For more details on princes, see The Future of Princes.)
22. Collins, L. and Lapierre, D., Mountbatten and Independent India, p.13.
23. Transfer of Power, Vol. XII, p.587.



## Chapter 20

### Kashmir at the Time of the Partition

Kashmir, as has been explained, was strategically a very important State. Nehru's family came from Kashmir and that made it more important to him. It is often claimed that was infatuated with Kashmir, and wanted it to become a part of India at any price. He took a keen interest in the affairs of the State, and at one time was arrested by the State Government for his 'illegal' entry into the State (see chapter 'Quit Kashmir Movement').

The Maharaja and Nehru disliked each other and had differences on many things, and Nehru's arrest made matters worse, as he took the arrest as a personal insult. Nehru's view was shared by many of his colleagues in the Congress, who felt that their world famous leader had been humiliated by the Maharaja. Apart from the strategic and political reasons, Nehru was ambitious about Kashmir, and there was some element of personal revenge. He wanted to punish the Maharaja who had dared to arrest him.

Nehru insisted that he must go to Kashmir again, irrespective of the consequences. Mountbatten sharply disagreed with him for two reasons: he wanted the future Prime Minister of India to stay in the capital, as he was needed there more than anywhere else; also the Kashmir Government had requested that no politician should visit Kashmir.

The Maharaja of Kashmir, in a private letter to Mountbatten on 8<sup>th</sup> July, 1947, said:

*'The present is a very inopportune time for political leaders to come to Kashmir as the position is most delicate. A tiny spark, in spite of the best intentions in the world, may set alight a conflagration which it would be impossible to control. In the circumstances, I would say that it would be advisable from all points of view for Mahatma Gandhi to cancel his projected visit to Kashmir this year. If, however, for reasons of his own he is not in a position to do so, I should still say that this visit should take place only toward the end of the Autumn... I would, however, again strongly advise that he or any other political*

*leader should not visit the State until conditions in India take a happier turn'.<sup>1</sup>*

Mountbatten and Patel endeavoured to persuade Nehru that Gandhi should go to Kashmir instead, but Nehru was adamant that he must go. The Kashmir Government did not want any political visits at all, and especially they did not want Nehru to step inside the State boundary. The Maharaja was forced to accept Gandhi as the 'lesser of two evils'; if Gandhi was refused permission it would be very difficult to stop Nehru going to Kashmir.

The Maharaja, as is evident from the above letter, reluctantly agreed to grant permission for Gandhi's visit, and insisted that if he could not cancel it this year then he should visit 'towards the end of the Autumn'. The timetable did not fit in with the plans of the Congress, as they wanted the State's accession before 15<sup>th</sup> August, if not earlier.

Mountbatten also visited Kashmir earlier, but it did not get the desired results, Nehru was determined to get the desired 'results'. In a letter to Mountbatten on 27<sup>th</sup> July 1947, he said:

*'Your visit to Kashmir was from my point of view not a success and things continued as before. Indeed there was considerable disappointment at the lack of results of your visit. I know very well that the work in Delhi is important and urgent and it is not easy for me to leave it. But Kashmir has become a first priority for me'.<sup>2</sup>*

Mountbatten realised the importance of the proposed visit and Nehru's mental distress, but he was still not convinced that Nehru should go on this expedition, as he knew the visit entailed many problems. Nehru believed that he had every right to visit Kashmir: first, he was overworked and wanted a 'brief holiday' in a delightful place like Kashmir; secondly, to him 'nothing would be more natural than that Congress should send a high level emissary to lay before the Kashmir Government the advantages of joining the Dominion of India'.

Mountbatten, on the other hand, believed that his presence in the capital was more important and he feared that his visit could spark off many problems, as he knew that the Maharaja's Government did not have good feelings about him. Mountbatten himself notes it in his Personal Report No. 15, dated 1<sup>st</sup> August 1947, like this:

*'Kak (the Prime Minister of Kashmir) and the Maharaja hate Nehru with a bitter hatred and I had visions of the Maharaja declaring adherence to Pakistan just before Nehru arrived and Kak provoking an incident which would end up by Nehru being arrested just about the time he should be taking over power from me in Delhi':3*

Before the purpose of Gandhi's visit to Kashmir is explained and analysed, perhaps it would be better to look into the visit of Mountbatten which began on 18<sup>th</sup> June and ended on 23<sup>rd</sup> June. The first question one could ask is: why was it necessary for Mountbatten to visit Kashmir at that time? It was the height of political activity in the Indian Sub-Continent, and after the principle of participation had been accepted there were innumerable political, administrative, divisional and judicial problems which needed the immediate and careful attention of the Viceroy. In view of these inextricable and pressing problems, was it right to be away from the capital for 5 days, not on official duty but on a so-called 'private visit'?

Mountbatten claimed that he had a standing invitation from the Maharaja to visit Kashmir. The strange thing about it is that according to Mountbatten the invitation had been extended to him by the Maharaja some 25 years previously. If that was so, could he not have availed himself for a short visit in the past 25 years? There are many people who are still sceptical about such an invitation. Mr. M.Y. Saraf, who did a thorough research on history of Kashmir and produced two large volumes, noted it like this;

*'There is no evidence that the Maharaja and Mountbatten ever met between 1921 and 1947. So it is curious that Mountbatten should have been reminded of an invitation extended as far back as 1921 and should have been good and gracious enough to avail himself of it after nearly 26 years'.4*

It is not important for our purposes whether the invitation was extended to Mountbatten or not; the important thing is that he went to Kashmir at a critical stage to advise and influence the Maharaja about the future of this important State. Before he left for Kashmir he was given, by Nehru, a comprehensive 'note on Kashmir', important paragraphs of which are reproduced here:

**Paragraph 22:**

*'The situation in Kashmir cannot be effectively met without major changes leading to responsible government in the State with the Maharaja as the constitutional head. Indeed there is no other way out and if this course is not adopted, the Maharaja's position will become progressively more insecure. If, however, the Maharaja gives a lead in this direction by joining the Constituent Assembly of India and taking steps for reforms in the State, he would immediately put himself right with the people and gain the support of Sheikh Abdullah and the most powerful party in the State, which though predominantly Muslim, includes Hindus and Sikhs.'*

**Paragraph 23:**

*'Before this can be done, the immediate steps that appear to be essential are to remove Mr. Kak from the Prime Ministership, and the discharge of Sheikh Abdullah and his colleagues from prison. It has been said that there are other prisoners also who belong to the Muslim Conference. There is no reason why all such prisoners should not be released. If any person misbehaves in future, action can be taken against him.'*

**Paragraph 24:**

*'What happens to Kashmir is, of course, of the first importance to India as a whole, not only because of the past year's occurrences, which have drawn attention to it, but also because of the great strategic importance of that frontier State. There is every element present there for rapid and peaceful progress in co-operation with India. The resources of the State are very great; but unhappily a wrong policy carried through ruthlessly by a man without any scruple or long vision and with a great deal of personal ambition, has brought the State to the verge of ruin... But in any event he (Mr. Kak) must be removed from his position of authority. The second immediate step that has to be taken is the release of Sheikh Abdullah as well as other political prisoners. Obviously no conditions can be attached to this release.'*

**Paragraph 28:**

*'If any attempt is made to push Kashmir into the Pakistan Constituent Assembly, there is likely to be much trouble because the National Conference is not in favour of it and the Maharaja's position would also become very difficult. The normal and obvious course appears to be for Kashmir to join the Constituent Assembly of India. This will satisfy both the popular demand and the Maharaja's wishes. It is absurd to think that Pakistan would create trouble if this happens'.5*

This lengthy quotation from 'note on Kashmir' given to Mountbatten by the Congress leadership explains that the visit was not private as was claimed, also the fact that on his arrival back in Delhi, he gave a full account of the visit to the Congress. He sent full details of the visit to the British Government in his Personal Report No 10 dated 27<sup>th</sup> June 1947 (Transfer of Power Vol. 11 pp6 79-91).

He was accused of having gone on a congress Mission to get Kashmir's accession to India or, if nothing else, at least to get assurances that the Maharaja would not declare independence prematurely and that his Prime Minister Kak should be removed. Critics argue that Mountbatten, if he was not on a Congress Mission, should also have given the full account of the visit to the Muslim League leadership, and should have informed them about the visit as he did with the Congress because he was, until the Transfer of Power (15<sup>th</sup> August) a Governor General of India and the Crown Representative, and in that capacity should not have taken sides.

Now, if we turn our attention to the letter Nehru wrote to Mountbatten (on 27<sup>th</sup> July 1947), in which he said:

*'Your visit to Kashmir was from my point of view not a success and things continued as before. Indeed there was considerable disappointment at the lack of results of your visit'. (The text of this is reproduced earlier in this chapter).*

One does not have to be a genius to understand what kind of success Nehru had in mind, and his phrase 'continued as before' indicates that he expected a dismissal of Kak as Prime Minister and the release of Sheikh Abdullah from prison. He was convinced that as long as Kak was there as Prime Minister of Kashmir, he had no chance of getting the accession of Kashmir to the Indian union.

Both Kak and the Maharaja believed that independence of the State was the best option, and this was why he decided not to accede to the either Dominion. The Maharaja did not want to join India for three reasons:

1. He did not like the Congress leadership, including Nehru and Patel, and they were the people to take over power after 15<sup>th</sup> August;
2. He wanted to maintain his autocratic powers and enjoy the same privileges, which he feared could be in jeopardy after joining the Indian Union, as this would have brought democracy to the State;
3. The overwhelming majority of his subjects were Muslims and he was convinced that they would not welcome this decision. Especially at the height of communal tension in the Indian Sub-Continent. The danger was that they could have rebelled against this unpopular decision.

He had no intention of acceding to Pakistan either, even though the State had traditional trade and communication links with the area which was to become part of Pakistan, and despite the fact that the vast majority of his subjects were Muslims. He feared that Pakistan could become a 'theocratic state' as she was created in the name of religion, and this was contrary to his religion. Also, he thought, he could lose his powers once he joined Pakistan, even though the statements of Mr. Jinnah ostensibly looked better than those of Nehru and Patel.

The Maharaja had the full support of his Prime Minister in this respect. They both agreed that the State should remain independent for at least a couple of years and then reconsider its position. Kak was of the opinion that if, after a few years independence, it was felt that the State should join one of the Dominions, they should join Pakistan. He believed that they would get better terms from Pakistan, and also that it would not upset the feelings of their Muslim subjects, and this way they could continue to rule them.

Contrary to the Congress statements 'to wipe out the Princely Order from the political map of India', the Muslim League

acknowledged the State's right to exist as a separate political entity. Mr. Jinnah, in his statement on 13<sup>th</sup> July said:

*'The question engaging the Kashmiri Muslims' attention is whether Kashmir is going to join the Constituent Assembly of Hindustan or Pakistan', stating that he had made it clear more than once that the Indian States were free to join either Assembly or remain independent. 'I have no doubt that the Maharaja and the Kashmir Government will give their closest attention and consideration to this matter and realise the interests not only of the Ruler, but also of his people'.<sup>6</sup>*

Statements like this encouraged the Kashmir Government not to make a hasty decision about accession; rather it boosted its morale and endeavours to remain independent. And this was why the Maharaja adopted an 'evasive' attitude at the time of Mountbatten's visit to Kashmir. When the Maharaja was told that if *'His Highness acceded to Pakistan it would not be considered an unfriendly act by his Government'*, Mountbatten then not only commanded categorically that he (the Maharaja) *'must then join India, but also offered to send immediately an Infantry Division to preserve the integrity of his boundaries'.<sup>7</sup>*

If the Maharaja had any desire to become a part of the Indian Dominion, he should not have wasted a moment in joining India, because he was getting an assurance from the Viceroy for the safety of his family and the security of his State. But he had clear ideas about remaining independent. When he was pressed by Mountbatten that he should decide soon about the future of his State, the Maharaja told him that he needed some time to make up his mind, and that he would discuss the matter with him on the day when Mountbatten would leave for Delhi.

On the day when he was supposed to meet Mountbatten, the Maharaja sent a message about his 'illness' and avoided the meeting. Mountbatten realised the nature of his 'illness' and left for Delhi without achieving very much. This was why Nehru was not satisfied with the 'results' of the visit, and according to him 'things continued as before'.

He personally wanted to go to Kashmir in order to check and manipulate the events, and dissuade the Maharaja from declaring independence or opting for Pakistan. As explained earlier, Mountbatten was not happy about Nehru's proposed visit to Kashmir' on the other hand, he felt a sense of failure because he could not achieve the desired 'result' for the Congress, and was prepared to make arrangements for Gandhi's visit so that how could have a go at the Maharaja.

Unlike Nehru, Gandhi was a fragile and unattractive figure, but his influence over the masses was tremendous. He was extolled to an unimaginable extent and people, with love and affection, called him Bapu, father. The Maharaja knew that if Gandhi had come to Kashmir there would have been administrative as well as political problems for him.

This was why he endeavoured to avoid the visit, if at all possible. He did not want any visits to be made by the political leaders, whether they belonged to the Congress or the Muslim League. Mountbatten told the Muslim League leaders that they should not visit Kashmir. In a letter to Gandhi, he said:

*'As I told you, the Maharaja was strongly opposed to any Muslim League leader coming to Kashmir, and I had asked Mr. Jinnah not to go or send anyone'.<sup>8</sup>*

On the one hand Mountbatten told the League leaders not to go to Kashmir; on the other hand he was busy making arrangements for Gandhi's visit. He personally wrote a letter to the Maharaja requesting him to grant Gandhi permission to visit Kashmir. He advised the Maharaja to have direct communication with Gandhi with regard to the proposed visit in order to save time.<sup>9</sup>

Why was it necessary for Gandhi to visit Kashmir at that time, especially when the Muslim League leaders were told not to make such a visit? Like Mountbatten, Gandhi also claimed that he had long-standing invitation to visit Kashmir. He claimed that he had no political mission in the State and that he was going there to fulfil an old pledge given to the late Maharaja Partap Singh in 1919.<sup>10</sup>

Is it not strange that both Mountbatten and Gandhi had 'long standing' invitations to visit Kashmir, and it was decided to fulfil this pledge at a time which was politically very important?

In 1919, Gandhi pledged the late Maharaja Partap Singh that he would visit Kashmir. He toured up and down India as a politician and a religious leader, but could not find time to honour this 'pledge'. Now, after nearly 28 years, he suddenly remembered that the late Maharaja Partap Singh had invited him to visit Kashmir, and he was gracious enough to honour Kashmir with this visit.

The late Maharaja Partap Singh could not have come back to this world to pass comment on this so-called 'pledge', but his successor on the throne, the present Maharaja, did not want Gandhi to visit Kashmir. If Gandhi had no 'political mission', could he not have waited and visited Kashmir towards the end of autumn, as suggested by the Maharaja?

Why was it necessary that he must visit as soon as possible, and why, in order to save time, was the Maharaja's Government advised to communicate directly with Gandhi? One may ask what the nature of this urgency was. If it was a 'private visit' as claimed by the Congress, to fulfil the old pledge, surely it could have taken place after 15<sup>th</sup> wrote:

*'I had arranged a meeting between Kak and Gandhi on 24<sup>th</sup> July and warned Kak against dissuading Gandhi from coming to Kashmir, unless they were prepared for Nehru to take his place. Kak failed to take my advice, and succeeded in stopping Gandhi, with the result that the moment Kak had returned to Kashmir, Nehru wrote and said that he must now go to Kashmir.' 11*

It appears that Mountbatten made Gandhi's proposed visit to Kashmir a matter of honour. He wanted the visit to go ahead, whether the hosts were prepared to accept their guest or not did not matter. In another piece of correspondence to the Maharaja he said that he had:

*'No power to stop Gandhi or Nehru from visiting Kashmir, and that it was up to him to decide, 'which of the two you would sooner have. I sincerely hope for all our sakes that, if you do accept a visit from one of them you will be able so to arrange matters that there is no clash.' 12*

Mountbatten sincerely endeavoured to get Congress and 'integrated India', and as promised, a 'basket full of apples' for Patel. 'I am prepared to accept your offer (of partition) provided you give me a full basket of apples', Patel said to Mountbatten, referring to the States.

He could not have left out of the basket this strategically important State. Therefore, he first went to Kashmir himself, after his failure with the Maharaja, and made arrangements for Ghandi's visit. His political adviser, Sir Conrad Corfield, expressed his opinion on the matter like this:

*'On the question of Kashmir and Hyderabad, I had differences with him (Mountbatten). I advised him that if these States were provided an opportunity to decide the matter after independence then it would be possible that India and Pakistan could reach settlement. Both these cases (Kashmir and Hyderabad) could create a balance between India and Pakistan. One was a Muslim majority State, whose ruler was a Hindu, and the other of Hindu majority, whose ruler was a Muslim. As both these states had no access to the sea, both were provided with the facilities of water and communication by India and Pakistan. Mountbatten did not pay any heed to my advice, and when he visited Kashmir, contrary to the practice, he did not invite his political adviser to accompany him. What he said about Kashmir carried no weight, because Nehru was determined to secure the accession of Kashmir to India.'13*

It could be pointed out here that the Viceroy could not rightly have imposed a ban on the movement of Nehru and Gandhi. They were free to go to any state provided the State concerned was prepared to accept them and the visit did not create a law and order problem. The same principle was applicable to the Muslim League leaders, but they were told by Mountbatten not to visit Kashmir. The Viceroy told the one party – do not visit Kashmir, as the Maharaja's government did not want any political leaders coming to the State. Yet at the same time he made arrangements for the visit of Gandhi or Nehru, in spite of the fact that the Kashmir Government repeatedly refused to accept such a visit, because it could result in disturbances and create a law and order problem.

Despite all this, Mountbatten and his followers claimed a policy of complete impartiality, if this was impartiality, one wonders

how he would have acted if he was not? Mr Ian Stephens commented that despite the Maharaja's declared policy and personal request to the Viceroy that no political leaders should visit Kashmir.

*'The State of Jammu and Kashmir had several noteworthy visits: from Acharya Kripalani, then President of Congress Party (on 17th May 1947); from rulers of certain Princely States in the East Punjab, notably from Patiala and Kapurthala States, where an appalling slaughter of Muslims was soon to begin; and most suggestive of all from Mr. Gandhi, who had never shown marked interest in Kashmir affairs during his political career as yet.' 14*

Maharaja's Government, after resisting pressure for some time, finally gave in and agreed to let Gandhi visit Kashmir, provided that he made no political speeches. This was readily accepted by Gandhi, as his plan was to convince the Maharaja that accession to the Indian Union was in the best interests of them all, and that Kak must be removed from his position as Prime Minister since he was the main obstacle. Gandhi presumably knew that power to decide the future of the State lay with the Ruler rather than people, so there was no need to make public speeches in front of the people who already disliked their ruler, and this exercise would have been suicidal for his mission too, as this would have annoyed the Maharaja.

Gandhi and the Congress consistently claimed that the visit was 'private' and that no politics was involved, and yet only a week after Gandhi's departure from Kashmir, Prime Minister Kak was removed from Office, and replaced by General Janak Singh. It must be remembered here that before Mountbatten left for Kashmir, he was given a 'note on Kashmir', in which Nehru wrote ..... 'Kak must be removed from the Prime Ministership'. This objective was achieved by the visit of Gandhi, and Kak was ordered to vacate his Office on 11th August.

Maharani Tara Devi influenced the running of the administration from time to time, and since she was the beloved wife of the Maharaja, no-one dared to Challenge her. She on the other hand, was under the influence of Raj Guru, Swami Sant Deo, who came to the State during the last years of the late Maharaja, Partap Singh.

Somehow he was able to bring the Maharani under his hypnotic influence during the last years of Maharaja Hari Singh's reign and according to some commentators, 'commanded almost total influence in the Palace through the Maharani and her son'. Being a strict Hindu who hated Muslims, he somewhat moulded her thinking according to his own beliefs. The first demonstration of her political influence was noticed when the Maharaja's Minister – in – waiting, a moderate Englishman, was forced to retire and was replaced by a retired officer from the Punjab Civil Service who happened to be a highly fanatical Hindu.

When Gandhi visited Kashmir, his influence was so great on her that she (the Maharani) walked a respectable distance bare footed and greeted him with a golden cup full of milk. Gandhi refused to accept the golden cup by saying: 'Gandhi does not drink the milk of a ruler whose people are unhappy'.

During his stay in Kashmir, Gandhi first had a meeting with the Raj Guru, which was followed by a meeting with the Maharani Tara Devi, Prince Karan Singh, Prime Minister Kak and, last of all, the Maharaja. He also visited important Hindu Pandits and more importantly, he visited Begum Sheikh Abdullah, the wife of the imprisoned nationalist leader, whose release Nehru wanted before the future of the State was decided. He stayed in Kashmir until 4<sup>th</sup> August and his first and most important victory was achieved on the 11<sup>th</sup> with the sacking of Prime Minister Kak, which prompted Pandit Prem Nath Bazaz to say:

*'With the appointment of Janak Singh, the uncertainty about the future of the State was removed and it became clear that the Maharaja and his Government, no less than the National Conference, had lined up with the Congress. This caused grave tension in the State, particularly in the Valley. Clashes between the followers of the Muslim Conference and the National Conference started almost immediately.'* 15

All- Nehru, Gandhi, Mountbatten and some elements of the Maharaja Government wanted Kashmir to become a part of the Indian Dominion. Despite all the pressure and political intriguing, it could not have materialised until the Muslim majority district of Gurdaspur was awarded to India.

The Boundary Commission had clear instructions to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will take into account other factors. It was a known fact that the district of Gurdaspur had a Muslim majority, and if this was awarded to Pakistan, which it should have been, India would have had no access to the State of Jammu and Kashmir (See the chapter 'Radcliffe Award' for more details), and without this there was no way the Maharaja could even think of acceding to India.

V.P. Menon had a very privileged position; he was not only a close friend of Mountbatten, but also his Reform Commissioner. He was also Secretary of the Home Department dealing with States, and in these capacities he had direct access to Mountbatten at all times. According to Mountbatten he was his 'indirect contact' with Patel, and Mountbatten not only trusted him very much, but also listened to and implemented his ideas (See the chapter 'Mountbatten at Work' for more details).

Patel and the Congress, realising the strategic importance of Kashmir and its 'difficulty' in acceding, used the good offices of Mr. Menon to present a solution to Mountbatten that Kashmir become part of India. And Menon, as at so many times in the past, suggested a possible solution, or it may be called a magic trick to win Kashmir for India.

He knew that the geography of Kashmir and the political situation demanded a new approach, as he could not have used the same stick which was used to coerce other princes. So he very cleverly suggested that in the future demarcation of boundaries, Gurdaspur must be awarded to India, whatever the evidence against it, if India was to win Kashmir. In his briefing, prepared for the Viceroy on 17<sup>th</sup> July, he wrote:

*'Kashmir presented some difficulty. It is claimed by both the Dominions, and at the present moment my feeling is that the issue should not be forced by either party. It is possible that a predominantly Muslim State like Kashmir cannot be kept away from Pakistan for long and we may leave this matter to find its natural solution. Unlike Hyderabad it does not lie in the bosom of Pakistan and it can claim an*

*exit to India, especially if a portion of the Gurdaspur District goes to the East Punjab (meaning India). '16*

The Maharaja's reasons for not joining India have been discussed earlier, and Congress knew that he would not join India, especially if a corridor was not provided through the Gurdaspur District to link Kashmir with the Union. Menon's suggestion touched the hearts of Mountbatten and Nehru, and behind the scenes work was done to implement this plan.

On 4<sup>th</sup> August, Mountbatten, in a meeting with the rulers of Indore and Bhopal, said that he:

*'Fully realised the difficulties peculiar to Bhopal. They arose also in the case of Kashmir and Hyderabad, though not so seriously with Kashmir, which was so placed geographically that it could join either Dominion, provided part of Gurdaspur was put into the East Punjab by the Boundary Commission. '17*

In his report No.17 the viceroy repeated the same point in this manner:

*'There are thus no States outstanding (taking into account the extension to the two Muslim Rulers of Hyderabad and Bhopal) beyond Kashmir, where the Maharaja has at last decided to sack his Dewan Kak. He now talks of holding a referendum to decide whether to join Pakistan or India, provided that the Boundary Commission give him land communication between Kashmir and India. '18*

It is generally accepted that the Boundary Commission's Award was ready before 8<sup>th</sup> August and presented to Mountbatten on the 9<sup>th</sup>, and the alleged changes took place after this period. By 9<sup>th</sup> August, it was known to the Muslim League and the Congress High Commands that the District of Gurdaspur had been awarded to India. This is proved by the letter Mr. Liaquat Ali Khan wrote to Lord Ismay and he (Ismay) responded like this:

*'I was dumfounded to receive the private message which you have sent me through Mohammed Ali. As I understand it, the gist of this message is as follows: (1) Gurdaspur or a large portion of it has been given to East Punjab by the award of the Boundary Commission.*

*The report is that this is a political decision, and not a judicial one; (2) If this is so, it is a grave injustice which will amount to a breach of faith on the part of the British. '19*

What appeared to have happened was that Radcliffe succumbed to the pressure and agreed to award relevant Tehsils of the Gurdaspur District (see chapter ' Radcliffe Award' for more details) to India, in order to provide much desired ' Land communication' to the Dominion, but he remained adamant that the Tehsils of Zira and Ferozepore must go to Pakistan as originally decided this decision was not entirely satisfactory to Nehru, as the Tehsils of Ferozepore and Zira had political , economic and strategic importance.

The Prime Minister of Bikaner, Sardar Panikkar, met Mountbatten together with his chief Irrigation Engineer, Kanwar Sain, on the morning of 11<sup>th</sup> August, and wished to talk about the Boundary Award. Mountbatten declined to discuss the matter, to which Kanwar Sain responded that:

*'I and Panikkar have been asked by Bikaner to convey that if the Ferozepur Headworks and the Gang Canal are allocated to Pakistan, Bikaner will have no option but to join Pakistan. '20*

Nehru was already aware of Bikaner's concern, and he did not want Bikaner to opt for Pakistan, because apart from economic and strategic disadvantages it would have encouraged other rulers either to opt for Pakistan or to stay out of the Union and become independent.

To overcome this problem Nehru, once again, had to trust and rely on the plenipotentiary powers of his trusted friend, Mountbatten. In a letter to the Viceroy, he wrote:

*'It, however, appears that Sir Cyril Radcliffe's mind may be working in the direction of giving Ferozepore and Zira Tehsils, having a small Muslim majority east of the Sutlej to Pakistan, in return for giving Gurdaspur to East Punjab. That will be disastrous from the point of view of East Punjab and Bikaner State from the irrigation point of view and disastrous to India as whole from the strategic point of view, because the only line of defence, that is the Sutlej, will have been pierced by the bridge at Ferozepore, and between this and Delhi there is no natural barrier. Both from the strategic and the irrigation point of*

*view it will be most dangerous to let Ferozepore go to Pakistan. Whatever may be the decision about west of the Sutlej, no area east of the Sutlej must on any account go to Pakistan. '21*

Mountbatten all along maintained that he never had anything to do with the Boundary Commission's findings or its decisions. If this was true, then why would Nehru write a letter of this nature to him? If he believed that those areas should have become part of India, his two members on the Boundary Commission should have put forward their case, which they did, but the overwhelming weight of evidence was against it.

There was no need for Nehru to write directly to the Viceroy if he knew that he could not influence the decisions of the Commission. The fact that Nehru wrote this rather authoritative letter at eleventh hour, when the Boundary Commission had decided its award, is axiomatic: he knew his friend, Mountbatten, could and would change the decision, and this was proved when the award was finally announced on 17<sup>th</sup> August.

With utter disregard for law and equity, and to surprise of many, not only Gurdaspur was awarded to India, but India was rewarded with the Tehsils of Ferozepore and Zira also.

Another important point to consider is that once the decision was taken to change the award after 8<sup>th</sup> August, the Maharaja of Kashmir was persuaded to sack his Prime Minister, Kak, because the desired 'Land communication' was provided. Apart from other commentators who believed that without the District of Gurdaspur, India had no chance of getting Kashmir, Mountbatten himself in an interview said:

*'If he (Radcliffe) had not made the award, the Maharaja would really have no option but to join Pakistan.'22*

The Congress leadership and Mountbatten did not want the Maharaja to take this option of joining Pakistan or any other option apart from acceding to the Indian Union. Major General Shahid Hamid, who was Secretary to Sir Claude Auchinleck, at the time of partition, wrote in his book that:

*'Kak, the Prime Minister of Kashmir, dined with us. He told me that he is in favour of Kashmir joining Pakistan, but Mountbatten is applying pressure on the Maharaja to accede to India.'*<sup>23</sup> This dinner party, according to the writer, was held on 28<sup>th</sup> July 1947.

Mountbatten, in his Top Secret Personal Report, written on 1<sup>st</sup> August, said:

*'I have reason to believe that when Patel had tried to reason with Nehru the night before our meeting, Nehru had broken down and wept, explaining that Kashmir meant more to him and told a friend after our meeting that I (Mountbatten) had probably saved Nehru's political career, and thus the chance of Congress making good on the transfer of power.'*<sup>24</sup>

The question which immediately comes to mind is what did Mountbatten save Nehru's political career from? What was danger to his political career, and from whom? And what did Mountbatten do to save his political career and to get his name in the good books of the Congress? It must be considered in this context that, according to Mountbatten, Kashmir meant very much to Nehru and he '*had broken down and wept*' because of his concern over Kashmir.

One does not have to be a genius to infer from this that whatever Mountbatten did or promised to do has something to do with Kashmir, about which Nehru was emotional. This meeting, when Nehru 'broke down', was held at the end of July, and until then the Maharaja clearly had no intention of joining India. This was very worrying, not only to Nehru and Patel, but also to Mountbatten. After that, despite the consistent refusal by the Maharaja's Government to allow any political visitors in the State, the Maharaja was forced to accept Gandhi's visit, in which he must have assured the Maharaja that the District of Gurdaspur would be awarded to India in order to provide 'land communication' to the State, provided he (the Maharaja) sacked Kak, and did not make a hasty decision of independence or, for that matter, accession to Pakistan.

The Maharaja, after a definite assurance of 'land communication' with India, sacked his Prime Minister, Kak, on 11<sup>th</sup> August, and appointed General Janak Singh in his place. He was still very ambitious about independence, but the pressure was becoming intolerable. He knew his much desired independence was only 4 days

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away, so to avert the pressure he sacked his Prime Minister, but did not accede – not even to India.

The new Prime Minister, on 12<sup>th</sup> August, offered to both Dominions the chance to enter into a 'Standstill Agreement' with the Government of Kashmir. The text of the telegrams sent to both Governments was as follows: Telegram from Prime Minister, Kashmir State, to Sardar Abdur Rab Nishter, State Relations Department, Karachi, dated 12<sup>th</sup> August 1947:

*'Jammu and Kashmir Government would welcome Standstill Agreements with Pakistan on all matters on which these exist at present moment with outgoing British India Government. It is suggested that existing arrangements should continue pending settlement of details and formal execution of fresh agreements'.*

The text of the telegram from Foreign Secretary, Government of Pakistan, Karachi, to Prime Minister of Jammu and Kashmir, Srinagar, dated 15<sup>th</sup> August 1947:

*'Your telegram of the 12<sup>th</sup>. The Government of Pakistan agree to have Standstill Agreement with the Government of Jammu and Kashmir for the continuance of the existing arrangements pending settlement of details and formal execution of fresh agreements'.*

The text of the telegram from India:

*'Government of India would be glad if you or some other Minister duly authorised on this behalf could fly to Delhi for negotiating Standstill Agreement between Kashmir Government and Indian Dominion. Early action desirable to maintain intact existing agreements and administrative arrangements'.*

Although the Indian Government's reply was encouraging, unlike those of other States, India did not stress the need for accession before any kind of Agreement, but subsequently no Standstill Agreement was concluded. This claim by the Pakistan authorities and some Kashmiris that the Maharaja wanted to accede to India, and was working towards this end gradually, does not hold when it is properly analysed.

It is quite evident that he did not want to join Pakistan at any price, and he made that clear in the meeting with Mountbatten, but he certainly did not wish to accede to India either. If he had wished to join India, but hesitated because of an uprising by the Muslims, who formed about 80% of the population, he would certainly have agreed to accede when Mountbatten offered to send him a battalion of armed men to look after his interests.

The fact that he rejected this generous offer by Mountbatten clearly shows that he had no desire or intention of joining India. His subsequent actions – like allowing Gandhi to visit Kashmir, and the dismissal of Kak, who was not in favour of Joining India could only be seen as actions taken to neutralise the intolerable pressure of the congress, the Hindu establishment and Mountbatten.

It appears that he wanted to play for time and wait for 15<sup>th</sup> August, when the British paramountcy would lapse and he would be a free and independent Ruler. He must have thought that he would be in a better position to decide about the future of his State and resist pressure, and this was why he offered to both Dominions a Standstill Agreement.

The main weakness of the Maharaja was his unpopularity among his subjects. He wanted to remain independent, but he did not wish to have democracy in his country or to lose his authoritarian powers. He wanted to have close nations with both Dominions, particularly with India. All his trade links, transport and communication routes were with Pakistan; and the only possible link he could have had with the future Dominion of India was through the District of Gurdaspur, if it was awarded to India.

Apart from the Congress and Mountbatten, the Maharaja also didn't want the District of Gurdaspur to become part of Pakistan, because that would have left him vulnerable to Pakistan, and he could not have obtained any help from India if there were some crises.

The Maharaja knew that the crisis could only be delayed, not avoided, as he did not enjoy the support of his subjects. Therefore, he was also in agreement that there must be a 'Land communication' with India, that he could be helped at time of desperate need.

The Congress leadership were aware of this weakness and consistently stressed that he should make relations better with the National Conference and as a gesture of goodwill release Sheikh Abdullah, a popular nationalist leader who was pro-Congress and a personal friend of Nehru. It was clear that without popular support the Maharaja would not be able to survive for too long, especially if he was to remain independent or to decide to join India.

Mountbatten, when he visited Kashmir, stressed that the Maharaja should ascertain the popular will of the people before the future of the State was decided. The Maharaja of Kashmir was the only ruler in whose case the Governor General gave the ruler the right to choose the method of consulting public opinion. Perhaps it was assumed that if Sheikh Abdullah was released and somehow public opinion was tested, then surely it would not go in favour of Pakistan.

On 15<sup>th</sup> August 1947, the British paramountcy lapsed and with it the State of Jammu and Kashmir became a fully independent and Sovereign State. There are many who argue that the State of Kashmir was Sovereign State even before this as the 'Treaty of Amritsar' did not in any way limit the Maharaja's power to conduct his diplomatic affairs as had treaties with other states.

The 'Treaty', in fact, gave a large measure of independence to the Maharaja both in external and internal affairs of the State. The first Article of the 'Treaty' clearly shows that the:

*'territory was transferred in 'independent possession' of the Maharaja Gulab Singh and the heirs male of his body - all the hilly or mountainous country, with its dependencies, situated to the eastward of the river Indus and westward to the river Ravi, including Chamba, and excluding Lahul, being part of the territories ceded to the British Government by Lahore State, according to the provisions of Article IV of the Treaty of Lahore, dated 9<sup>th</sup> March 1846'.*

The Article which defines the British supremacy is as follows:

*'Maharaja Gulab Singh acknowledges the supremacy of the British Government, and will in token of such supremacy present annually to the British Government one horse, twelve perfect shawl*

*goats of approved breed (6 male and 6 female). And three pairs of Cashmere shawls'.*

Article 5 of the Treaty also shows British supremacy, but it does not limit the Maharaja's Government's right to negotiate with other States or not to conduct its own diplomatic relations; it merely asks the State Government to abide by the British decision in cases of disputes with other States. Article 5 asked that the Maharaja's Government:

*'Will refer to arbitration of the British Government any disputes or questions that may arise between himself and the Government of Lahore or any other neighbouring State, and will abide by the decision of the British Government.'*

Unlike Treaties concluded by the British Government with other Princely States, the Treaty of Amritsar did not contain any clause which prohibited the Maharaja from having independent diplomatic relations with other States.

In theory, the Maharaja could have conducted his own diplomatic relations; the practice, of course, was different. He could not employ any British, American or European officers without the consent of the British Government.

One could conclude that whatever autonomy Kashmir and other big States like Hyderabad and Travancore enjoyed, they had no international status, and practically they were at the mercy of the British Government. They could not conduct their external affairs or make any contracts without the consent of the paramount power. But once the British supremacy lapsed, those States which did not accede to either of the Dominions became independent and sovereign.

The State of Jammu and Kashmir possessed all the attributes of Statehood, which is normally possessed by a State in international law. Article 1 of the Montevideo Convention, about the Rights and Duties of States, made in 1933, said:

*'Before a piece of land can be termed as a Sovereign State, it must have a permanent population, a clearly defined territory and a Government with its ruler who is empowered to enter into treaty relations with other States'.*

The State of Jammu and Kashmir possessed all the above attributes of Sovereign State once the paramountcy lapsed on 15 August 1947.

The first attribute of a Sovereign State is that it should have people, and it was defined like this:

*'A people are an aggregate of individuals of both sexes who live together as a community in spite of the fact that they may belong to different races or creeds, or be of different colour'.*

This first attribute was satisfied even before the lapse of paramountcy. The people within the State, irrespective of their colour or creed, were regarded as the people of the Jammu and Kashmir State.

The second attribute of Statehood is that a State should have clearly defined territory. The size of the territory is irrelevant; it may consist of, as in the case of city States, one town only.

The State of Jammu and Kashmir had clearly defined territory even before the lapse of paramountcy, and the Maharaja was the ruler in this clearly defined territory known as the State of Jammu and Kashmir; and when the paramountcy lapsed no change occurred in this respect.

The third attribute is that State should have a Government, which means, one or more persons who run the affairs of the State according to the law of the land. The Maharaja had full control on his Government and had internal autonomy to run the affairs of the State. The Jammu and Kashmir Constitution Act 1939, in Section 5, clearly defines this:

*'All powers, legislative, executive and judicial in relation to the State and its Government, are hereby declared to be and to have always been inherent in and possessed and retained by High Highness'. The Maharaja was also empowered to make 'laws and issue proclamations, orders and ordinances by virtue of his inherent authority'.*

The fourth characteristic of Statehood is that a State should have a capacity to enter into relations with other States. This function of a State distinguishes it from lesser units such as members of a federation or protectorates. These units are not recognised by other States as fully fledged members of the international community.

The State of Jammu and Kashmir, like other Princely States, was not free to conduct its own external affairs; this was done by the paramount power. But after the lapse of paramountcy this function, and the authority of the paramount power, returned to the Maharaja.

Section 7 of the Independence Act empowered the Maharaja to exercise these powers in relation to the State of Jammu and Kashmir, and the Maharaja, irrespective of whether he was popular among his subjects or not, became sovereign ruler in the full sense of the word.

The Maharaja exercised his newly acquired power to conclude a Standstill Agreement with Pakistan, another Sovereign State; he also offered India a similar kind of 'Agreement'. Both India and Pakistan acknowledged the Maharaja's newly acquired right to conclude treaties with other Sovereign States: Pakistan by accepting the treaty (Standstill Agreement) and India by inviting the Maharaja's Government for negotiations about the terms of the treaty.

Once a State has acquired these four essential attributes, it becomes a Sovereign State in the full sense of the word. As discussed above, the State of Jammu and Kashmir fulfilled all essential characteristics of Statehood and became a fully Sovereign State in the full sense as defined by international law.

The view that the State of Jammu and Kashmir was not recognised as a Sovereign State by other existing States, therefore, it was not sovereign, is unsound and irrelevant. A State, once it has acquired the essential attributes, becomes a Sovereign State.

Such recognition is necessary to enable every new State to enter into official intercourse with other States, but the absence of this recognition does not mean that the State has no existence. As international personality is created by the fact of its creation and not by the recognition of that fact; though the recognition supplies the necessary evidence that the State has come into existence.

When a community is granted independence by the paramount power, it acquires independence in law from that moment, not from the time when it is recognised by other Sovereign States. The legal fact of independence does not depend on recognition by other States; independence is acquired as soon as granted by the paramount power.

The recognition is the acceptance of this fact and this normally takes time, as other Sovereign States have to consider many things before recognising a newly born State. The State of Israel came into existence in 1948, and 40 years after there are still many Sovereign States in the world who still do not officially recognise her, but it does not mean that Israel does not exist.

Similarly, the People's Republic of China was not recognised by the United States for a long time, but it still existed as a separate political entity. In other words, the coming into being of a State is one thing and its recognition is another.

The State of Jammu and Kashmir became independent through the enactment of the Indian Independence Act 1947, and technically and legally the State of Kashmir, together with other States, became independent despite the fact that it was not recognised.

By passing the Indian Independence Act, the British Government in a way recognised the independent status of the Princely States which they were going to get after the lapse of paramountcy.

Other States entered into new relations with the Dominions of India and Pakistan by concluding treaties (Instrument of Accession) with the respective Governments, and lost this newly-granted independence, whereas the State of Jammu and Kashmir did not accede before 15<sup>th</sup> August, the date when the British Raj ended in India, and retained its independence.

The world outside the Indian Sub-Continent knew very little about these Princely States and their exact legal position after the Partition, therefore, it was not expected that other Sovereign States would recognise any of these States without fully looking into the situation.

Another reason was the widely known rivalry between the Dominions of India and Pakistan over the future of these States, as both Dominion wanted them to join them, and no prudent Government could recognise these newly independent States without giving careful consideration to the effect it could have on future relations with India and Pakistan.

Even then the Government of France and some middle East countries were thinking of recognising Hyderabad and Kashmir, but Britain applied political and diplomatic pressure to stop this happening ; according to the British point of view, this kind of gesture would prejudice the successful outcome of the negotiations which were going on at that time'.26

To conclude, it is clear from the above discussion that the State of Jammu and Kashmir became a Sovereign State in the full sense of international law, after the lapse of paramountcy. And like other Sovereign States of the international community, the State of Jammu and Kashmir possessed all the essential attributes of a Sovereign State at the time of partition. It was a political entity which had no legal or constitutional links with Britain, India or Pakistan; and no other power had any legal or constitutional claim or authority over the State.



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## Chapter 21

## Conclusion

When the British went to India they witnessed the decline in power and prestige of the Moghul Empire, and there were several autonomous states, with deep suspicions of each other and in positions of rivalry, which often resulted in wars.

The time was ripe for foreign intervention after the Battle of Plessey in 1757; the East India Company was no longer only a trading company, since it had begun to lay down the foundations of the British Indian Empire which was to become a 'Jewel in the British Crown'. And when, after the Second World War, British decided to relinquish the British Raj in India, its desire was not to leave India balkanised as it had been at the time of the Battle of Plessey.

The task of granting independence to India, preferably a united India, was given to Mountbatten; and a time limit of 14 months was imposed. An agreed solution to the political problem of India had to be found within that time, i.e. by June 1948. Winston Churchill, an elderly and most experienced Statesman, commented on this timetable: 'Everyone knows that the 14 months time limit is fatal to any orderly transfer of power'.<sup>1</sup>

Perhaps Churchill was right, for to achieve an 'orderly transfer of power', more time should have been allowed. Mountbatten was charged with securing an agreed political solution within a unified State of 400 million people (one in five of the earth's population). 250 million Hindus, 90 million Muslims, 6 million Sikhs, and the rest made up of numerous sects of Buddhists and Christians; there was also the problem of 562 Princely States.

The population spoke 23 languages and 200 dialects, and included some 3,000 castes, originating in racial, tribal, occupational and territorial differences. By any standard it was a huge task, and it was made even more difficult by the Muslim League's demand for Pakistan for the Muslims; the insistence of Congress on a united India; and the desire of the majority of the Princes to retain their freedom and privileges, either under the British Raj or under continued British protection.

This gigantic task certainly required plenty of time and very careful planning. The political situation in India had become a stalemate, and it was at that time that Mountbatten was sent to India to end the British Raj.

Many thought Mountbatten was sent on a 'mission impossible', and that it's inevitable failure would tarnish his reputation rather than enhance it. Mountbatten realised the difficulty of his task, but once he accepted the post he was determined to succeed. As for the time limit, however, short as it looked to Churchill, Mountbatten granted independence to India and Pakistan about 9 months ahead of schedule.

Two reasons have been suggested for his doing this:

- 1) Because of the communal violence, India was on the verge of a civil war, and more delay meant less or no transfer or power;
- 2) Early transfer of power was part of the price the Congress demanded for accepting the partition of India.

In order to accomplish this gigantic task, Mountbatten wanted the co-operation and goodwill of all the groups competing for political gains in India. In his first speech in India, he said:

*'His Majesty's Government are resolved to transfer power by June 1948... I am under no illusion about the difficulty of my task; I shall need the greatest goodwill of the greatest possible number, and I am asking India today for that goodwill'.<sup>2</sup>*

Within two weeks of his arrival in India, he decided to accept the principle of the partition of India. This was a bitter pill for the Congress to swallow, although it was the follies of the Congress leadership which laid down the foundations on which Mr. Jinnah built his Pakistan. If the Congress leadership had had more vision and tolerance, and had been benevolent and accommodating, perhaps there would have been no demand for Pakistan.

The British were prepared to transfer power and leave India, but they wished India, whether united or divided, to remain in the

Commonwealth. The idea of transferring power to a united India was frustrated by the Muslim League's demand for Pakistan; and the Congress was strenuously opposing this, hence making the task of Mountbatten more difficult. Jinnah was also adamant in his demand, and he said:

*'We are opposed to a united India constitution with a Central Government, Federal or otherwise. We are opposed to this because it will mean our transfer from the British Raj to the Hindu Raj. United India means a Hindu social or cultural majority dominating the Muslims, whose civilisation, culture and social structure of life is totally different'.<sup>3</sup>*

This weakened the position of Mountbatten when it came to negotiating the partition of India. Patel, the strong man of the Congress, put a price on agreeing to the creation of Pakistan. The demand included the partition of the great provinces of Punjab and Bengal; an early transfer of power (in 1947); and a free hand to deal with the Princely States – in Patel's words a 'basket-full of States'. Patel, on the other hand, agreed to ensure that the Congress would accept the partition of India; and that India, after independence, would remain in the Commonwealth.

As pointed out earlier, Mountbatten went to India to accomplish a task, and to achieve this he had to make compromises; and this contributed to the misery and destruction which followed the Partition.

To keep his side of the bargain, Mountbatten had to rush the Partition at such a speed that no one could have a second thought about it or even understand what was happening.

Granting independence to a united India was itself a gigantic task, and many thought that the 14 months allowed for the task was not enough; and the fact that India had to be partitioned, required more time and careful planning, but Patel demanded that Mountbatten speed up the partition process and transfer power as soon as possible.

To divide the provinces of Punjab and Bengal, a Boundary Commission was set up and Sir Cyril Radcliffe was appointed as its Chairman. Because the whole partition process was going at a

remarkable speed, the Commission had insufficient time to do its job properly.

Moreover, the Commission lacked cohesiveness and did not have a clear set of rules. According to Chief Justice Munir - a member of the Boundary Commission:

*'Radcliffe told them that the report which would be submitted to the Governor General would be his own report; and that no report by a member would be sent up. This was contrary to the procedure and rights of the members of the Commission as our position was reduced from that of the members of a Commission to that of the spokesmen of the parties'.<sup>4</sup>*

The Commission was to demarcate 'contiguous majority areas', but it was to take 'other factors' into consideration before the final decision. The members of the Commission had no idea what was meant by 'other factors'; and Sir Cyril Radcliffe did not even give a hint about this to the members.

The words 'other factors' gave to the Chairman a 'wide and undefined discretion. He could take a factor into consideration and areas'; in the absence of any definition of the extent of an area, say a district, or a Tehsil or a revenue circle, he could take into consideration, majority area. The line drawn by him, as already mentioned, not only cut across villages, but houses in same village'.<sup>5</sup>

When the members of the Commission submitted their reports to Sir Cyril Radcliffe, he gave them a lunch on 7<sup>th</sup> August, where he was asked by Mr. Justice Mahjan to give an indication about the Award, as he had all the reports and arguments before him, 'and the apologetic reply was that he had not made up his mind and would have to consult the Governor-General'.<sup>6</sup>

Possibly the Governor-General saw the opportunity to punish Jinnah, who first frustrated the British desire to grant independence to united India; and then hurt Mountbatten's most sensitive kind of vanity' and his 'most vulnerable point, his pride, by refusing to accept him as the joint Governor General. Mountbatten was very perturbed

and annoyed with Jinnah's decision, which is evident from the conversation he had with Jinnah:

'Do you realise what this will cost you?' asked the furious Viceroy.

Jinnah replied, 'It may cost me several cores or rupees in assets'.

'It may well cost you the whole of your assets and the future of Pakistan' retorted Mountbatten'.<sup>7</sup>

Despite this threat, Jinnah refused to accept him as the joint Governor General, and this further embittered the already tense relations between them. This situation, of course, was in the best interests of the Congress. After this Mountbatten, according to Justice Saraf, went to the:

'Extent of totally forgetting the imperative demand of his Office as Crown Representative to act impartially towards both the parties'.<sup>8</sup>

Perhaps it would have been better for Pakistan to accept Mountbatten as the joint Governor General; by depriving him of the position he had set his heart on, Mohammed Ali Jinnah pushed him into the Congress corner, where he was to use his power and influence to get the most for the Congress.

If he had become a joint Governor General, he would have been indebted to Jinnah, and would have been obliged to be impartial, or at least, not to cause too much damage to the future State of Pakistan, which he did when he was humiliated and his pride was hurt. Justice Saraf comments on it:

'That is why some people hold the view that the decision not to accept him as Common Governor General, though legally and morally unexceptionable was, nevertheless, politically inexpedient. He was, no doubt, pro-Nehru, but it was after we rejected his proposal that he became vindictive and revengeful in the extreme. That does him no credit; the question, however, is not what was creditable or discreditable on his part, but whether it was not a tactical mistake to have pushed him over deeper into the enemy camp when Pakistan had

*not taken shape and the States in and around the geographic entity of Pakistan had yet to make decision on accession'.<sup>9</sup>*

Although the vast majority of Pakistanis firmly believe that Jinnah's decision was the right one, mainly because very few, if any, would dare to question the wisdom and vision of Jinnah, it must be remembered that he was not infallible.

In the view of this writer, he did make mistakes, and discarding Mountbatten like that was a major mistake which cost Pakistan not only the Muslim majority Tehsil of Gurdaspur, Batala, Zira and Ferozepore, but it also paved the way for the 'accession' and invasion of Kashmir by India, not to mention the loss assets.

The main reason put forward by Muslim League in defence of this decision was that they had already appointed for British Governors and the appointment of a Governor General would have been disliked by the people, and that Mountbatten was pre-Congress and his appointment as joint Governor General was not in the interest of Pakistan.

These reasons do not appear to be very valid ones, because Jinnah's hold on the Muslim League and his people was absolute and whatever he did or said was not even questioned, let alone disliked. If he had said that Pakistan would benefit from this appointment, which was for a short period anyway, the people would not have objected to it, whether they liked Mountbatten or not.

Their likes and dislikes were dictated by the Muslim League High Command at that time, and people accepted whatever was asked of them. If, however, it was considered that the appointment of four British Governors and one joint Governor General could be disliked by the people, the chances of which were very remote, the provincial Governors could have been changed, from to Pakistani governors and accept Mountbatten as the common Governor General because that was in the interest of Pakistan.

The second reason does not look valid either. If Mountbatten was pro Congress, which many thought he was, and if he was appointed the Common Governor General, the argument was that he would have damaged Pakistan. But it did not cross the mind of Jinnah

that by rejecting him, he was changing Mountbatten from being pro-Congress to being anti- Pakistan. If he had common responsibility for both Dominions, he would have been very reluctant to favour congress openly, because he would have been obliged to look after the interests of the Muslim League as well.

His favours to the Congress would have been curtailed by the common responsibility, and he would have done less damage to the future State of Pakistan. Once insulted by Jinnah, he was pushed into the Congress corner, where he was greeted with open arms. His dislike of Jinnah intensified, and he did everything within his power to damage and hurt Jinnah's dream of a stable Pakistan.

Perhaps the main reason for rejecting Mountbatten's appointment as the joint Governor General was the desire of Jinnah himself to become the First Governor General of Pakistan. He knew his health was deteriorating rapidly, as both his lungs were affected by tuberculosis. He did not know how long he still had to live, and if Mountbatten were appointed as the joint Governor General, and if he (Jinnah) died while Mountbatten was the joint Governor General, he would have had a bad effect on the country's stability and moral as there seemed to be no one capable of handling the situation, although Jinnah could possibly have advised the Governor General about a suitable successor eligible to command respect of the majority in the event of his own death. Commenting on the issue of the Governor Generalship, Mountbatten said on 9<sup>th</sup> July 1947:

*'My private information is that Mr. Jinnah's followers and advisers are horrified at the line he has taken, and it seems almost incredible that a man's megalomania should be so chronic as to cause him to throw away such material advantages to his future Dominion for the sake of becoming "His Excellency" some eight months earlier than he would in any case have assumed that title'.<sup>10</sup>*

Whatever was the reason for not accepting Mountbatten as Joint Governor General, it nevertheless proved disastrous, not only for Pakistan but also for the innocent people of the Indian Sub-continent. If Mountbatten had become a joint Governor General, perhaps he would not have influenced the final outcome of the Boundary Commission's Award.

Those areas would have become part of Pakistan, and many thousands of people would have escaped the persecution and suffering which was perpetrated on them while fleeing to Pakistan. People would still have been butchered but the number of dead would surely have been less. The number of people killed would have been less still if the partition had been properly planned and not rushed through.

Richard Hough, the author of Mountbatten commented on it like this:

'But the destroyer Captain rang down 'full speed ahead' from the moment he put to sea on Operation Transfer . . . it is the easiest defence in the world to claim that more, or fewer lives would have been lost if there had been a greater show of patience and less need to finish the job in a rush and then go tearing off to his nephew's wedding'.

He continued his criticism: '*The result was the worst horrors that India had ever known and inter-racial outrages on a terrible scale. It led to the disembowelling of tens of thousands of pregnant women, the cutting off of breasts, the rape of girls – all before being bludgeoned to death or hacked to pieces*'.<sup>11</sup>

The exact number of people who lost their lives and their homes will never be known. Different people have given different figures: for example, Richard Hough notes it thus:

'No one has calculated exactly the number who were shot, burned, hacked, battered and tortured to death. Perhaps one million, perhaps two million died in the months following partition certainly many more than British and Imperial (including Indian) troops killed in world war I.'<sup>12</sup>

Many people hold Mountbatten responsible for this tragedy; but perhaps it would be unfair to put the blame squarely on him. The tragedy has to be seen in the context of the partition as a whole. The Muslims and Hindus were at daggers drawn before Mountbatten arrived in India. Passions of hate and rivalry were uncontrollable, and this was certainly fuelled by short sighted leaders on both sides, and armed gangs were trained and organized to kill each other.

Mountbatten was the man running the show, therefore, fingers would be pointed at him, but it must be noted that he went there to grant independence to a united India. The tragedy occurred mainly because of the Partition; and especially as a result of the partition of the provinces, and it was not his desire to divide the country.

It was Patel, supported by Nehru, who demanded that the transfer of power should take place earlier and the provinces should be divided to give the Muslim League a 'moth-eaten and truncated Pakistan'. In order to accomplish his task of finding a solution to the political problem of India, Mountbatten had to accept compromises.

It was insisted that he should create Pakistan; to speed up the process Partition; to divide the provinces; to give free hand to the Congress in dealing with the Princely States; and to influence the Radcliffe Award in order to get favourable results for India.

It is debatable whether Mountbatten should have succumbed to the pressures or not, but it would be unjust to give a clean bill of health to those characters closely involved with the partition drama and blame Mountbatten only. Of course, he should be blamed for his mistakes and weaknesses, but so should other people, for example, Radcliffe, Patel, Nehru, Jinnah, Liaquat Ali, Muslim Guards, V.P. Menon, Krishna Menon, Baldev Singh and Tara Singh amongst others.

One of the prime objectives of this work was to establish the exact position of the State of Jammu and Kashmir on 15<sup>th</sup> August 1947, and this had been done in the previous chapter. But it must be noted that irrespective of the legal position, public opinion and the politicians were divided on the future status of Kashmir. People like Sheikh Abdullah and Choudhry Ghulam Abbas are blamed for this.

Both leaders failed to settle their differences mainly because of their egoism and some outside interference. Choudhry Ghulam Abbas literally became a stooge of the Muslim League and looked to the League High Command for directions. Sheikh Abdullah, on the other hand, was under the influence of Nehru, who exploited him in the name of friendship.

Choudhry Ghulam Abbas wanted the State to become a part of Pakistan, whereas Sheikh Abdullah desired a completely independent

and democratic Kashmir without the Maharaja's rule, and have friendly relations with India and Pakistan. This was what he wanted at the time of his imprisonment after the 'Quit Kashmir Movement'; circumstance forced him to change his stand later on.

Apart from this there was the Maharaja, who had his own interest and his own views regarding the future of Kashmir. This, of course, was different to the views of Sheikh Abdullah and Choudhry Ghulam Abbas.

The Maharaja was surrounded by his advisers, friends and relatives, and not all of them agreed with him. Some of them favoured an independent Kashmir with the Maharaja as the Constitutional Head; others wanted him to possess more or the same rights and powers in an independent Kashmir.

There was a minority who favoured some kind of affiliation or understanding with Pakistan, which the Maharaja did not support; and there was an active and influential group which supported accession to India, and the Maharaja was unhappy with this view either. This last group was organised by essential people like the Maharani and the Raj Guru and was supported by the Congress, particularly by Gandhi.

Internal split was bad enough, but it was exacerbated by outside interference. The Congress was not prepared to tolerate any Princely State gaining an independent status, and Patel and Nehru made their views known more than once.

As explained earlier, the State of Jammu and Kashmir had political, strategic and economic importance and the Congress wanted the State to become a part of India at all costs. Pakistan, on the other hand, wanted the State to become a part of Pakistan, or to ensure that it did not become part of India.

Patel and Nehru, especially the latter, felt very strongly about Kashmir, and constantly pressurised Mountbatten to facilitate an accession of Kashmir to India. For this purpose, Mountbatten visited Kashmir and also insisted on the Maharaja making arrangements for Gandhi's visit to Kashmir.

Also Sir Cyril Radcliffe was influenced to change his Boundary Commission Award to provide India a land communication with Kashmir. That not only paved the way for the Indian military action in Kashmir, but also resulted in tens of thousands of deaths of innocent people.

Although the State of Jammu and Kashmir assumed the status of a Sovereign state on 15<sup>th</sup> August 1947, but because of internal and external pressures Kashmir had little chance of maintaining its independence. After the lapse of paramountcy, the Kashmiri people saw an opportunity to overthrow the oppressive and autocratic Maharaja.

The Kashmiri rebels announced the Provisional Government of 'Free Kashmir' in the liberated areas on 4<sup>th</sup> October 1947, and deposed the Maharaja. They were later helped by the tribesmen from the North West Frontier of Pakistan, which precipitated the process and the Maharaja, fearful of losing his throne acceded to India and fled his winter Capital, Srinagar.

The accession was accepted by Mountbatten as a 'provisional', because the Maharaja did not have the support of his subjects. Both India and Pakistan went to war over the future of Kashmir. United Nations Security Council mediation resulted in a cease fire, but the Security Council failed to get its own resolutions implemented in order to determine the future of Kashmir.

What happened in the State of Jammu and Kashmir after 15<sup>th</sup> August 1947 is a tragic and complicated story, which requires a lot of research. Although it was these tragic events which led to the present status of Kashmir, it is not possible to go into the details, as the title of the work covers the events up to the transfer of power.

However, one could say that the present trouble in Jammu and Kashmir is directly linked to the events of the partition, especially the Radcliffe Award, as it was the change in the award which provided India a land access to Kashmir.

Apart from the trouble in Kashmir, other communal and 'national' problems, whether in the form of separatist movements or communal violence, have their roots in the partition of India, and no

one individual could be blamed for all the wrongs associated with the partition. Mountbatten was the man in charge of the operation; he, therefore, would get a larger share of the blame for the tragedy. It could be argued that Mountbatten perhaps believed that what he did was fair and right, but the number of people who disagree with him is growing with time as more and more information is revealed.

Justice, fairness and human values are very important, but at times, some people attach more importance to their ambitions and objectives.

If Mountbatten had been completely impartial, which was the requirement of his post, and if he had planned the partition properly rather than rushing it through at 'full speed'; and if he had arrested the trouble makers beforehand, as originally planned, perhaps the mass killing could have been much reduced, if not avoided altogether.

If he had been fair and impartial to both parties as his predecessor, Lord Wavell, was, perhaps he could have developed a better understanding with Mr. Jinnah as well, and then there would have been no need of any kind of 'revenge' or 'victimisation', which he was accused of.

And perhaps in that ideal situation of trust, tranquillity, and harmony, the interests of the minorities, of the Princely States and, of course, of India and Pakistan would have been looked after better, and if that was so, perhaps the troubles which we see in the Indian Sub-Continent today might not have been there.

And perhaps the Indian Sub-Continent would become a better place to live, with much higher living standards, and without fear of war and of arms build-up, as most of the demands of the parties as well as of minorities would have been satisfied. It is difficult to prove or disprove what would have happened if the Viceroy had been completely fair and impartial, and had given himself more time for the partition, as the clock of history cannot be turned back.

Historians and commentators would go on arguing forever about Mountbatten's mission, and its degree of failure or success. All the criticism levelled against him is with the advantage of hindsight; he always claimed that what he did was right under the circumstances.

Perhaps I have been too optimistic about prosperity, peace and tranquillity prevailing in the Indian Sub-Continent had Mountbatten been fair and impartial – as war, aggression and aggrandisement is part of most human beings; and centuries old Hindu-Muslim hate would not have been that easy to eradicate.

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9. Ibid., Vol. 2, p.34.
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12. Ibid., pp.295-296.



## Appendices:

1. Treaty of Amritsar
2. Lord Wavell's letter on transfer of power
3. Cabinet Mission Statement
4. Jinnah Gandhi Talks
5. Statement of 3 June 1947 (as published)
6. M A Jinnah's broadcast on the partition of India 3 June 1947.
7. INDIAN INDEPENDENCE ACT 1947
8. Lord Mountbatten's address to Chamber of Princes on 25 July 1947
9. Minutes of meeting on Boundary Commission award



## 1. Treaty of Amritsar

March 16, 1846

The treaty between the British Government on the one part and Maharajah Gulab Singh of Jammu on the other concluded on the part of the British Government by Frederick Currie, Esq. and Brever-Major Henry Montgomery Lawrence, acting under the orders of the Rt. Hon. Sir Henry Hardinge, G.C.B., one of her Britannic Majesty's most Honorable Privy Council, Governor-General of the possessions of the East India Company, to direct and control all the affairs in the East Indies and by Maharajah Gulab Singh in person – 1846.

Article 1 The British Government transfers and makes over for ever in independent possession to Maharajah Gulab Singh and the heirs male of his body all the hilly or mountainous country with its dependencies situated to the eastward of the River Indus and the westward of the River Ravi including Chamba and excluding Lahul, being part of the territories ceded to the British Government by the Lahore State according to the provisions of Article IV of the Treaty of Lahore, dated 9th March, 1846.

Article 2 The eastern boundary of the tract transferred by the foregoing article to Maharajah Gulab Singh shall be laid down by the Commissioners appointed by the British Government and Maharajah Gulab Singh respectively for that purpose and shall be defined in a separate engagement after survey.

Article 3 In consideration of the transfer made to him and his heirs by the provisions of the foregoing article Maharajah Gulab Singh will pay to the British Government the sum of seventy-five lakhs of rupees (Nanukshahee), fifty lakhs to be paid on or before the 1st October of the current year, A.D., 1846.

Article 4 The limits of territories of Maharajah Gulab Singh shall not be at any time changed without concurrence of the British Government.

Article 5 Maharajah Gulab Singh will refer to the arbitration of the British Government any disputes or question that may arise between himself and the Government of Lahore or any other neighboring State, and will abide by the decision of the British Government.

Article 6 Maharajah Gulab Singh engages for himself and heirs to join, with the whole of his Military Forces, the British troops when employed within the hills or in the territories adjoining his possessions.

Article 7 Maharajah Gulab Singh engages never to take to retain in his service any British subject nor the subject of any European or American State without the consent of the British Government.

Article 8 Maharajah Gulab Singh engages to respect in regard to the territory transferred to him, the provisions of Articles V, VI and VII of the separate Engagement between the British Government and the Lahore Durbar, dated 11th March, 1846.

Article 9 The British Government will give its aid to Maharajah Gulab Singh in protecting his territories from external enemies.

Article 10 Maharajah Gulab Singh acknowledges the supremacy of the British Government and will in token of such supremacy present annually to the British Government one horse, twelve shawl goats of approved breed (six male and six female) and three pairs of Cashmere shawls. This Treaty of ten articles has been this day settled by Frederick Currie, Esq. and Brever-Major Henry Montgomery Lawrence, acting under directions of the Rt. Hon. Sir Henry Hardinge, Governor-General, on the part of the British Government and by Maharajah Gulab Singh in person, and the said Treaty has been this day ratified by the seal of the Rt. Hon. Sir Henry Hardinge, Governor-General. (Done at Amritsar the sixteenth day of March, in the year of our Lord one thousand eight hundred and forty-six, corresponding with the seventeenth day of Rubee-ul-Awal (1262 Hijree).

(Signed) H. Hardinge (Seal)

(Signed) F. Currie

(Signed) H.M. Lawren



## 2. Lord Wavell's letter on transfer of power

On the results to the British Commonwealth of the transfer of political Power in India

Simla, 13 July 1946

(Wavell Papers. Political Series June-Dec 1946, pp.17-24)

Top Secret

1. The transfer of political power in India to Indians will affect Great Britain and the British Commonwealth in three principal issues: Strategy, Economics and Prestige. This note is an attempt to assess very briefly our prospective gains and losses in each of these fields.

2. The principal advantage that Britain and the Commonwealth derive from control of India is Strategic. The greatest asset is India's manpower. The War of 1939-45 could hardly have been won without India's contribution of two million soldiers, which strengthened the British Empire at its weakest point.

India was also, during this period, a very valuable base of war. Her contribution in material was very considerable: and the potentialities will increase as India's industrial capacity expands.

The Naval bases in India and Ceylon have enabled the British Navy to dominate the whole of the Indian Ocean region, except for a short interlude in the last war; these bases are of importance for the protection of oil supplies from Persia and the Persian Gulf.

India will also be an indispensable link in the Commonwealth air communications both in peace and war.

Before the war some 60,000 British troops were stationed and trained in India and were paid for by the Government of India, which thus made a very substantial financial contribution to British defence. India also formed a valuable training ground for officers and men. In view, however, of the deficient manpower of the UK, and the increasing unwillingness of the youth of Great Britain to enlist for service abroad, the above advantages are at least partly outweighed by the relief afforded to her manpower.

3. On the Economic side there is a very valuable trade connection between India and the UK. In 1944 India was one of the countries with the largest import and export trade with Britain.

British business has also had in the past a considerable share in industry in India, especially jute and tea. There has lately been a

tendency to sell out British undertakings at high prices to Indian capitalists, but the British stake in Indian industry is still large. As India's commerce and industry expand, there seems every reason that British business, both in India and in the UK should also benefit increasingly. Britain is still the natural market from which Indian importers are likely to seek their requirements; and sterling balances will greatly strengthen the connection. British technical skill is also highly valued in India. As the prosperity of India expands it will become a most important market for the import of consumer goods of every kind, in which Britain should have a great share. Although Britain is likely in time to lose her privileged position in regard to shipping on the UK - India routes, it will take India some considerable time to build up a shipping industry.

4. By giving up political power in India, Britain will lose a valuable field of employment for the professional classes in the India administrative and technical Services. The earnings of British personnel in these Services are estimated at about £2,000,000 a year, and civilian pensions paid by India in the UK amount to £3,000,000 a year. Britain is not likely however to lose the whole of these amounts, as there is likely to be a demand in India for British technical and other experts for some time to come.

5. In International Prestige, Great Britain should on the whole gain by her transfer of power, provided that this results in an orderly and friendly India.

The general conclusion is that on the whole Great Britain should not lose, but on the contrary, may gain in prestige and even in power, by handing over to Indians, provided that the following main conditions are fulfilled:

A. Power can be transferred in an orderly manner to a friendly and united India.

B. A satisfactory defensive alliance can be secured.

These two provisions are the crux of the whole matter. If India lapses into chaos, Britain will lose trade, strategic advantages, and prestige, and a danger to world peace will be created. The worst possible outcome from Britain's point of view will be if India, either through lack of responsible Government or by communist revolution, or by deliberate choice, falls under the control of Russia. Britain will then have sacrificed her own position and given nothing to India.

6. The strategic consequences of independence for India are set out in the G.H.Q. paper attached. It is clear that a defensive alliance with India is of great importance to Britain. Such an alliance cannot be forced on a free India, but is likely to be sought by India itself, if we manage well. It should secure our naval position in the Indian Ocean and Persian Gulf, the maintenance of the link in air communications and so far as possible the use of Indian manpower. Without such an alliance Britain stands to lose very heavily by abandoning India.

7. The greatest danger is that an independent India may come under the domination of Russia. It is very difficult to estimate how likely this is to happen. An independent Indian Government could hardly be unconscious of the length of its seaboard or of the fact that 90% of its trade is sea-borne. The defences of the country are so much stronger by land than by sea that India would naturally look first for a naval alliance, especially at a time when a steady flow of imports is so vital to the development of the country. And it must surely be many years before Russia can become a formidable naval power in the Indian Ocean. Again communications by land with Russia are so bad that Russian help would be no substitute for British or American help in developing [the] country. It seems therefore that the future Government of India will not of its own choice go for Russian protection.

8. Russia might however try to employ her usual tactics of giving support to a revolutionary party. Conditions in India are not unfavourable - a few capitalists and Princes have enormous fortunes, while labour is still exploited, has genuine grievances, and has begun to feel its power. Maladministration can easily cause local scarcity and famine. The nucleus of a communist organisation already exists and is making itself felt. It would not be difficult for Russia to gain a foothold in the country by its usual methods if the Government is weak and if the gateway of Afghanistan is not effectively barred.

9. Unfortunately there is every prospect of an Indian Government being ineffective. It is a tremendous task to take over control of a country as large and diverse as India. There is no evidence that either the political or the administrative capacity to do so exists. If the Indian Government does turn out to be weak and incompetent, the country is likely to lapse into chaos and disorder. If that condition occurs, the loss to Britain in strategic position, manpower resources, communications and trade, will be very serious even if Russia does not

intervene. Indeed any advantages to Britain that can be anticipated as a result of handing over political power are all conditional on there being a stable successor Government that can rule the country.

10. To sum up it is vital to Britain that when she gives over political power in India she may be able to hand over to a stable and friendly Government and contract with it a genuine defensive alliance. Fortunately India's interests quite obviously point the same way. If this objective is achieved the demission of political power may bring advantage and not loss. In all other circumstances the debit balance will be heavy.



### 3. Cabinet Mission Statement

Statement by the Cabinet Delegation and His Excellency the Viceroy (as issued in New Delhi on 16 May 1946).  
[L/P&J/10/42: ff 53-5]

1. On March 15th last just before the despatch of the Cabinet Delegation to India Mr. Attlee, the British Prime Minister, used these words:-

"My colleagues are going to India with the intention of using their utmost endeavours to help her to attain her freedom as speedily and fully as possible. What form of Government is to replace the present régime is for India to decide; but our desire is to help her to set up forthwith the machinery for making that decision.

"I hope that India and her people may elect to remain within the British Commonwealth. I am certain that they will find great advantages in doing so."

"But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible."

2. Charged in these historic words we - the Cabinet Ministers and the Viceroy - have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in Conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try and reach a settlement but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached we feel that it is our duty to put forward what we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India and an Interim Government may be set up at once to carry on the administration of British India until such time as a new Constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule.

This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India it must be secured by measures which will assure to the Muslim a control in all matters vital to their culture, religion, and economic or other interests.

6. We therefore examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such as Pakistan would comprise two areas: one in the north-west consisting of the Provinces of the Punjab, Sind, North Frontier, and British Baluchistan; the other in the north-east consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged. The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority to decide their method of Government according to their wishes, and secondly, upon the necessity to include substantial areas in which Muslims are in a minority, in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures show:-

	Muslim	Non-Muslim
North-Western Area		
Punjab	16,21,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind	3,208,325	1,326,683
Boluchistan	438,930	62,701
	22,653,294	13,840,231
<b>Total</b>	<b>62.07%</b>	<b>37.93%</b>
North-Eastern Area		
Bengal		27,301,091
Assam	33,005,434	6,762,254
<b>Total</b>	<b>34,447,913</b>	<b>34,063,345</b>
	<b>51.69%</b>	<b>48.31%</b>

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million. These figures show that the setting up of a separate sovereign State of Pakistan on the lines claimed by the Muslim League, would not solve the communal minority problem; nor can we see any justification for including within a sovereign Pakistan those districts of the Punjab and Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan, can equally in our view be used in favour of the exclusion of the non-

Muslim areas from Pakistan. This point would particularly affect the Position of the Sikhs.

7. We therefore considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur Divisions in the Punjab; (b) the whole of Assam except the district of Sylhet: and (c) a large part of Western Bengal, including Calcutta, in which city the Muslims form 23.6% of the population. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs leaving substantial bodies of Sikhs on both sides of the boundary. We have therefore been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long traditions and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two Sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles.

Kashmir and the partition of India

and the communications between them both in war and peace would be dependent on the good will of Hindustan.

11. We are therefore unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

12. This decision does not however blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with Compulsory subjects, were responsible to the whole of India while other Ministers, who dealt with Optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion.

Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other Provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendation we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the

British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government. This fact has been fully recognised by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation during the building up of the new constitutional structure, and it by no means follows that it will be identical for all the States. We have not therefore dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practicable form of constitution for All-India.

We recommend that the constitution should take the following basic form:

(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects: Foreign Affairs, Defence, and Communications: and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces.

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provincial subjects to be taken in common.

(6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary however for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any Assembly to decide a new Constitutional structure the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise; but any attempt to introduce such a step now would lead to a wholly unacceptable delay in the formulation of the new Constitution. The only practicable alternative is to utilize the recently elected Provincial Legislative Assemblies as the electing bodies. There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the weightage given to minorities by the Communal Award, the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their numbers in the Province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form of the Provincial population. After a most careful consideration of the various methods by which these inequalities might be corrected, we have come to the conclusion that the fairest and most practicable plan would be:-

- (a) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage.
- (b) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population.

(c) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India: General, Muslim, and Sikh, the "General" community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation since they would lose the weightage which assures them seats in the Provincial Legislatures, we have made the arrangements set out in paragraph 20 below to give them a full representation upon all matters of special interest to the minorities.

19.(i) We therefore propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislature (General, Muslim or Sikh) electing its own representatives by the method of proportional representation with the single transferable vote:-

Table of Representation.

## SECTION A

Province.	General.	Muslim.	TOTAL
<i>Madras</i>	45	4	49
<i>Bombay</i>	19	2	21
<i>United Provinces</i>	47	8	55
<i>Bihar</i>	31	5	36
<i>Central Provinces</i>	16	1	17
<i>Orissa</i>	9	0	
<b>TOTAL</b>	<b>167</b>	<b>20</b>	<b>187</b>

## SECTION B

Province.	General.	Muslim.	Sikh	TOTAL
<i>Punjab</i>	8	16	4	23
<i>North-West Frontier Province</i>	0	3		3
<i>Sind</i>	1	3	0	4
<b>TOTAL</b>	<b>9</b>	<b>22</b>	<b>4</b>	<b>35</b>

## SECTION C

Province.	General.	Muslim.	TOTAL.
Bengal	27	33	60
Assam	7	3	10
<b>TOTAL</b>	<b>34</b>	<b>36</b>	<b>70</b>
<i>Total for British India ...</i>	<i>292</i>		
<i>Maximum for Indian States</i>	<i>93</i>		
<b>TOTAL</b>	<b>385</b>		

*Total for British India ...  
Maximum for Indian States  
TOTAL*

*Note.-In order to represent the Chief Commissioners' Provinces there will be added to Section A the Member representing Delhi in the Central Legislative Assembly, the Member representing Ajmer- Merwara in the Central Legislative Assembly, and a representative to be elected by the Legislative Council.*

*To Section B will be added a representative of British Baluchistan.*

(ii) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(iii) The representatives thus chosen shall meet at New Delhi as soon as possible.

(iv) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on the rights of citizens, minorities, and tribal and excluded areas set up. Thereafter the provincial representatives will divide up into the three sections shown under A, B, and C, in the Table of Representation in sub-paragraph (i) of this paragraph.

(v) These sections shall proceed to settle the Provincial Constitutions for the Provinces included in each section, and shall also decide whether any Group Constitution shall be set up for those

Provinces and, if so, with what provincial subjects the Group should deal. Provinces shall have the power to opt out of the Groups in accordance with the provisions of sub-clause (viii) below.

(vi) The representatives of the Sections and the Indian States shall reassemble for the purpose of settling the Union Constitution.

(vii) In the Union Constituent Assembly resolutions varying the provisions of paragraph 15. above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major Communities.

The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(viii) As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial, Group, or Union constitution.

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up a Negotiating Committee. It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a Treaty between the Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an Interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Besides the heavy task of day-to-day administration, there is the grave danger of famine to be countered; there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future; and there are important international conferences in which India has to be represented. For all these purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an Interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognising the significance of the changes in the Government of India, will give the fullest measure of co-operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth a transition as possible.

24. To the leaders and people of India who now have the opportunity of complete independence we would finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian Parties, and the exercise of much patience and goodwill by all, this has not been possible. therefore now lay before you proposals which, after listening to all sides and after much earliest thought, we trust will enable you to attain your independence in the shortest time and with the least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognise with us that at this supreme moment in Indian history statesmanship demands mutual accommodation.

We ask you to consider the alternative to acceptance of these proposals. After all the efforts which we and the Indian Parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian Parties alone. The alternative would therefore be a grave danger of violence, chaos, and even civil war. The result and duration of such a disturbance cannot be foreseen;

but it is certain that it would be a terrible disaster for many millions of men, women and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole.

We therefore lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interests of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But these are matters for your own free choice. Whatever that choice may be we look forward with you to your ever increasing prosperity among the great nations of the world, and to a future even more glorious than your past.



#### 4. Jinnah Gandhi Talks

Extract from the Viceroy Lord Wavell's letter to Leopold Amery, the Secretary of State for India, 3 October 1944 concerning the breakdown of the Gandhi-Jinnah talks.

[IOR: L/PD/10/21]

This letter concerns the breakdown of the Gandhi-Jinnah talks held in September 1944. The talks were based on the Muslim League's demand for Pakistan. They ended without agreement, as explained in this extract. The Rajagopalachari formula mentioned was put forward by Chakravarty Rajagopalachari in 1943. It stated that the Muslim League was to back the Indian demand for independence and to co-operate with Congress in the formation of a provisional interim government for a transitional period. Once the Second World War had ended, a commission was to be appointed for demarcating districts in the Northwest and east of India where the Muslim population was in the majority. A vote would then be taken of all the inhabitants in the said areas to decide the issue of separation from Hindustan.

28th September 1944



P.S. - Gandhi and Jinnah announced yesterday evening that their talks had broken down. I am sending by this bag a copy of today's special edition of the Hindustan Times giving the text of the announcement, and of the letters exchanged between the two. I will try to let you have my comments by Sunday's bag.  
 (signed: Wavell)

To the Right Honourable L. S. Amery, M.P., His Majesty's Secretary of State for India.

The Viceroy's House, New Delhi October 3rd, 1944

[Private & Secret] There was no letter from you in the last bag. In the postscript to my letter of 27th September I said I would try to let you have by the bag of 1st October my comments on the breakdown of the Gandhi-Jinnah talks. The examination of the correspondence took rather longer than I expected and I sent you nothing on 1st October. I telegraphed some general comments on 2nd October for use in connection with a question in Parliament. I shall not be able to tell you for some days what I think the effect of the breakdown on the general political situation will be. But my comments on the differences between Gandhi and Jinnah, and the immediate Indian reactions to the breakdown are as follows.

(2) Jinnah based himself on the "two nations" theory, according to which the Muslims and Hindus in India, however they may be distributed over the country, are entirely foreign to each other. He pressed Gandhi to accept this theory and the Muslim League's Lahore Resolution of March 1940 which he regarded as an expression of it. He made it clear that his sovereign Muslim States must be composed substantially of the British Indian Provinces now regarded as Muslim (e.g., in the north-west; Sind, Baluchistan, the North-West Frontier Province and the Punjab, and in the north-east, Assam and Bengal). The right of these areas to self-determination and separate sovereignty was to be exercised by their Muslim residents alone. Jinnah declined to answer awkward questions about economic stability and the fate of minorities. He told Gandhi that he was dealing only with British India and was not considering the Indian States. Arguing from the "two nations" theory, he could not agree to any alliance between the Hindus and the Muslims in order to achieve independence, or to any provisional Government before the Muslim claim had been finally settled. Relations between Muslim India and Hindu India would be settled by treaty as between independent and sovereign States, and there could be no question of any Central Government or constitutional link.

Gandhi propounded the Rajagopalachari formula, but made it clear that he did not really believe in it, and that what he wanted was some form of self-determination for Muslims within a united India. His immediate aim was a provisional Government responsible to the present Central Assembly or to a new Assembly elected under the existing franchise. During the war, military operations would be controlled by the Commander-in-Chief, but after the war his provisional Government would be completely independent. The matters requiring settlement under the Rajagopalachari formula would be dealt with by the provisional Government, though at a late stage in the correspondence he agreed to some kind of settlement between the Congress and the League, which the provisional Government would apparently implement.

In short, the negotiations broke down because Gandhi and Jinnah differed completely as to the nature and scope of Pakistan, and as to the order in which they placed the events necessary to Indian independence. Jinnah wants Pakistan first and independence afterwards, while Gandhi wants independence first with some kind of self-determination for Muslims to be granted by a provisional Government which would be predominantly Hindu.

It is difficult to believe that Jinnah who, whatever his faults, is a highly intelligent man, is sincere about the "two nations" theory. His refusal to answer awkward questions also shows that he has not thought out the implications of Pakistan, or anyway will not disclose his views on them. To take only one example, the north-eastern Muslim State would amount to very little without Calcutta, but Calcutta is in the main a Hindu city. On the other hand, Jinnah's suspicion of Gandhi is justified. Gandhi's ideal, though he is careful not to express it, is a united India in which the Hindus, given a free run, would inevitably dominate the Muslims. Jinnah was arguing for something which he has not worked out fully, and Gandhi was putting forward counter proposals in which he did not really believe at all. ...



5. M A Jinnah's broadcast on the partition of India 3 June 1947.



Mountbatten and Jinnah at the inauguration of Pakistan, 14 august 1947. [photo Neg B5675)]

**Mr Jinnah's Broadcast, 3rd June 1947**

I am glad that I am afforded the opportunity to speak to you directly through this radio from Delhi. It is the first time, I believe, that a non-official has been afforded an opportunity to address the people through the medium of this powerful instrument, direct, to the people on political matters. I hope that in the future I shall have greater facilities to enable me to voice my views and opinions, which will reach directly (to) you, life warm rather than in the cold print of the newspapers.

The statement of Government, embodying the plan for the transfer of power to the peoples of India, has already been broadcast and will be released to the press and will be published here and abroad tomorrow morning. It gives the outline of the plan for us to give it our most earnest consideration. We have to examine it coolly, calmly and dispassionately. We must remember that we have to take the most momentous decisions and handle grave issues facing us in the solution of the complex political problem of this great sub-continent inhabited by 400,000,000 people.

The world has no parallel of the most onerous and difficult task which His Excellency had to perform. Grave responsibility lies particularly on the shoulders of Indian leaders. Therefore we must galvanise and concentrate all our energies to see that the transfer of power is assisted in a peaceful and orderly manner. I most earnestly appeal to every community and particularly to Moslems in India to maintain peace and order. We must examine the plan, its letters and spirit and come to our conclusions and take our decisions. I pray to God that at this critical moment he may guide us to enable us to discharge our responsibilities in a wise and as statesmanlike manner having regard to the sum total of the plan as a whole.

It is clear the plan does not meet in some important respects our point of view, and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the plan. It is for us to consider whether the plan as presented to us by His Majesty's Government should be accepted by us as a compromise or a settlement. On this point I do not wish to prejudge. The decision of the Council of the All India Moslem League which has been summoned to meet on Monday, 9th June, and its final decisions can only be taken by the conference according to our constitution, precedence and practice. But so far as I have been able to gather, on the whole reaction in the Moslem League circle in Delhi has been hopeful. But for us, the plan has got to be very carefully examined in its pros and cons before a final

decision can be taken. I must say that I feel that the Viceroy has battled against various forces very bravely - and the impression that he has left on my mind is that he was actuated by the highest sense of fairness and impartiality, and it is up to us to make the task less difficult, and help him, as far as lies in our power in order that he may fulfil his mission of the transfer of power to the peoples of India in a peaceful and orderly manner.

Now that plan has been broadcast already, and makes it clear in paragraph eleven that a referendum will be made to the electorate of the present Legislative Assembly in the N.W.F.P., who will choose which of the two alternatives in paragraph four they wish to adopt. The referendum will be held under the aegis of the Governor-General, in consultation with the Provincial Government. Hence it is clear that the verdict and the mandate of the people of the Frontier Province will be obtained as to whether they want to join the Pakistan Constituent Assembly or the Hindustan Constituent Assembly. In these circumstances I request the Provincial Moslem League of the Frontier Province to withdraw the employment of peaceful civil disobedience which they had perforce to resort to, and I call upon all the leaders of the Moslem League and the Mussalmans generally to organise our people to face this referendum with hope and courage, and I feel confident that the people of the Frontier will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

I cannot but express my appreciation of the sufferings and sacrifices made by all classes of the Mussalmans, and particularly the great part that the women of the Frontier played in the fight for our civil liberties. Without a personal bias, and this is hardly the moment to do so, I deeply sympathise with all those who have suffered and those who died and whose properties were subjected to destruction, and I fervently hope the Frontier will go through this referendum in a peaceful manner, and it should be the anxiety of everyone to obtain a fair, free and clean verdict of the people of the Frontier. Once more I most earnestly appeal to all to maintain peace and order. Pakistan Zindabad.



## 6. Statement of 3 June 1947 (as published)

### Introduction

1. On 20th February, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working-out of the Cabinet Mission's Plan of 16th May, 1946, and evolve for India a constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the representatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmér-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind, as also the representative of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such an agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved on His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

### The issues to be decided

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constituent Assembly. Now that provision is made for certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representatives are already participating in it, will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country

which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed -

- (a) In the existing Constituent Assembly; or
- (b) In a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

### **Bengal and the Punjab**

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will therefore each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the Province. For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two Provinces are set out in the Appendix to this Announcement.

6. The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslim majority districts. This is only a preliminary step of a purely temporary nature as it is evident

that for the purposes of final partition of these Provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor-General, the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

### Sind

10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph 4 above.

### North-West Frontier Province

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that, if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such an event, a referendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The referendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

### British Baluchistan

12. British Baluchistan has elected a member but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

### Assam

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominately Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district, under the aegis of the Governor-General and in consultation with the Assam Provincial Government, to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts, which will then be transferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

### Representation in constituent assemblies

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every millions of population according to the principle contained in the Cabinet Mission's Plan of 16th May, 1946. Similar elections will also have to be held for Sylhet in the event of its being decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows:-

Province	General	Muslims	Sikhs	Total
Sleet District	1	2	Nil	3
West Bengal	15	4	Nil	19
East Bengal	12	29	Nil	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

### Administrative matters

16. Negotiations will have to be initiated as soon as possible on administrative consequences of any partition that may have been decided upon:-

- (a) Between the representatives of the respective successor authorities on all subjects now dealt with by the Central Government, including Defence, Finance and Communications.
- (b) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.
- (c) In the case of Provinces that may be partitioned as to administration of all provincial subjects such as the division of assets and liabilities, the Police and other services, the High Courts, provincial institutions & etc.

### The tribes of the North-West Frontier

17. Agreements with tribes of the North-West Frontier of India will have to be negotiated by the appropriate successor authority.

### The States

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May, 1946, remains unchanged.

### Necessity for speed

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above processes should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan, the existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories: they will of course be free to frame their own rules.

### Immediate transfer of power

20. The major political parties have repeatedly emphasised their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June 1948, for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as

the most expeditious, and indeed the only practicable, way of meeting this desire His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion status basis to one or two successor authorities according to the decisions taken as a result of this announcement. This will be without prejudice to the right of Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

#### **Further announcements by Governor-General**

His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to produce or any other matters for carrying out the above arrangements.

### **7. INDIAN INDEPENDENCE ACT 1947**

An Act to make provision for the setting up in India of two independent Dominions, to substitute order provision for certain provisions of the Government of India Act. 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and of the Commons, in this present Parliament assembled, and by the authority

#### **The new Dominions.**

1.—(1) As from the fifteenth day of August, nineteen hundred and forty-seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

(2) The said Dominions are hereafter in this Act referred to as "the new Dominions" and the said fifteenth day of August is hereafter in this Act referred to as "the appointed day".

2.—(1) Subject to the provisions of subsection (3) (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under subsection (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of subsections (3) and (4) of this section, the territories of Pakistan shall be -

(a) the territories which, on the appointed day, are included in the provinces of East Bengal and West Punjab, as constituted under the two following section:

(b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of the British Baluchistan; and of the new Province of East Bengal, then, as from that day, a part of Assam shall, in accordance with the Provisions of the subsection (3) of this section, form part of the new Province of East Bengal.

3. The boundaries of the new Provinces aforesaid and, in the event mentioned in subsection (2) of this section, the boundaries after the appointed day of the Province of Assam, shall be such as may be the determined, whether before or after the appointed day, by the award of a boundary commissions appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined -

(a) the Bengal Districts specified in the First Schedule to this Act, together with, in the event mentioned in subsection

(2) of this section, the Assam District of Sylhet, shall be treated as the Territories which are to be comprised in the new Province of West Bengal;

(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal; and

(c) in the even mentioned in subsection (2) of this section the District of Sylhet shall be excluded from the Province of Assam.

(4) In this section, the expression "award" means, in relation to a boundary commission the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings

4. (1) As from the appointed day -

(a) the Province of the Punjab, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) their shall be constituted two new Provinces, to be known respectively as East Punjab and West Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined :-

(a) the Districts specified in the Second Schedule to this Act shall be treated as the territories to be comprised in the New Province of West Punjab; and

(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the New Province of East Punjab.

(3) In this section, the expression "award" means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the Commission's proceedings.

5. For each of the new Dominions, there shall be Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purposes of the government of the Communion:

Provided that, unless and until provision to the contrary is made by a law of the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominion:

#### **Legislation for the new Dominions.**

6.—(1) The legislature of each of the New Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty's name to any law of the Legislature of that Dominion and so much of any Act as relates to the disallowance of

laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either or the new Dominions as part of the law of that dominion unless it is extended thereto by a law of the Legislature of the Dominion.

(5) No Order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

(6) The power referred to in subsection (i) of this section extends to the marking of laws limiting for the future the powers of the Legislature of the Dominion.

#### Consequences of the setting up of the new Dominions.

7.—(1) As from the appointed day:-

(a) His Majesty's Government in the United kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India.

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date with towards Indian States or the rulers thereof, and all powers, rights, authority or jurisdiction exercisable by His Majesty at that date in or in relation to Indian States by treaty, grant, usage, sufferance or otherwise; and

(c) there also any treaties or agreements in force at the date of the passing of this Act between His Majesty and any persons having authority in the tribal areas, any obligations of His Majesty existing at that date to any such persons or with respect to the tribal areas, and all powers, rights, authority or

jurisdiction exercisable at that date by His Majesty in or in relation to the tribal areas by treaty, grant, usage, sufferance or otherwise:

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this subsection, effect shall, as nearly as may be continue to be given to the provisions of any such agreement as is therein referred to which relate to customs' transit and communications, posts and telegraph, or other like matters, until the provisions in question are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words "Indian Imperator" and the words "Emperor of India" and to the issue by His Majesty for that purpose of His Royal Proclamation under the Great Seal of the Realm.

8.—(1) In the case of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provision as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.

(2) Except in so far as other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion under subsection (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that Act, and of the orders in Council, rules and other instruments made thereunder, shall, so far as applicable and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding section, have effect accordingly:

Provided that—

(a) the said provisions shall apply separately in relation to the new Dominions and nothing in this subsection shall be construed as continuing on or after the appointed day any Central Government or Legislature common to both the new Dominions;

(b) nothing in this subsection shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any Province or other part thereof;

(c) so much of the said provisions as requires the Governor-General or any Governor to act in his discretion or exercise his individual judgment as respects any matter shall cease to have effect as from the appointed day;

(d) as from the appointed day, no Provincial Bill shall be reserved under the Government of India Act, 1935, for the signification of His Majesty's pleasure, and no Provincial Act shall be disallowed by His Majesty there under; and

(e) the powers of the Federal Legislature or Indian Legislature under that Act, as in force in relation to each Dominion, shall in the first instance, be exercisable by the Constituent Assembly of the Dominion in addition to the powers exercisable by that Assembly under subsection(1) of this section.

(3) Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by subsection (2) of this section and the orders therein referred to, operates to limit the power of the legislature of that Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion in accordance with the provisions of subsection, (1) of this section, have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of the Legislature.

9.—(1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient :—

(a) for being the provisions of this Act into effective operation;

(b) for dividing between the New Dominions, and between the new Provinces to be constituted under this Act, the powers, rights, property, duties and liabilities of the Governor-General or Council or, as the case may be, of the relevant Provinces which, under this Act, are to cease to exist.

(c) for making omissions from, additions to, and adaptations and modifications, of, the Government of India Act, 1935, and

the Orders in Council, rules and other instruments made thereunder, in their application to the separate new Dominions:

(d) For removing difficulties arising in connection with the transition to the provisions of this Act,

(e) for authorising the carrying on of the business of the Governor-General in Council between the passing of this Act and the appoint day otherwise than in accordance with the provision in that behalf of the Ninth Schedule to the Government of India Act, 1953;

(f) for enabling agreements to be entered into, and other acts done, on behalf of either of the new Dominions before the appointed day;

(g) for authorising the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of said new provinces, of services and activities previously carried on behalf of British India as a whole or on behalf of the former Provinces which choose new Provinces represent;

(h) for regulating the monetary system and any matters pertaining to the Reserve Bank of India; and

(i) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers or jurisdiction of any legislature, court or other authority in the new Dominions and creating new legislatures, courts or other authorities therein.

(2) The powers conferred by this section on the Governor-General shall, in relation to their respective provinces, be exercisable also by the Governors of the Provinces which, under this Act, are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects which the Governors, are, under that Act, to exercise their individual judgment.

(3) This section shall be deemed to have had effect as from the third day of June, nineteen hundred and forty seven, and any order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any order made under

this section may be made so as to be retrospective to any date not earlier than the said third day of June:

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes any provision there of retrospective to any date before the making thereof.

(4) Any others made under this section, whether before or after the appointed day, shall have effect -

(a) up to the appointed day, in British India;

(b) on and after the appointed day, in the new dominion or dominions concerned; and

(c) outside British India, or, as the case may be, outside the new dominion or dominions concerned, to such extent whether before, on or after the appointed day, as a law of the legislature of the dominion or dominions concerned would have on or after the appointed day, but shall, in the case of each of the Dominions, be subject to the same powers of repeal and amendment as laws the legislature of that dominion.

(5) No order shall be made under this section, by the Governor of any Province, after the appointed day, or by the Governor-General, after the thirty-first day of March, nineteen hundred and forty-eight, or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of the Dominion.

(6) If it appears that a part of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if, under this Act, the province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new province.

10.—(1) The provision of this Act keeping in force provisions of the Government of India Act, 1935, shall not continue in force the provisions of that Act relating to appointments to the civil services of, and civil posts under, the Crown in India by the secretary of State, or the provisions of that Act relating to the reservation of posts.

(2) Every person who-

(a) having been appointed by the Secretary of State, or Secretary of State in Council, to a civil service of the Crown in India continues on the after the appointed day to serve under the Government of either of the new Dominions or of any Province or Part thereof; or

(b) having been appointed by His Majesty before the appointed day to be a judge of the Federal Court or of any court which is a High Court within the meaning of the Government of India Act, 1935, continues on and after the appointed day to serve as a judge in either of the new dominions,

shall be entitled to receive from the Governments of the Dominions and Province or Parts which he is from time to time serving or, as the case may be, which are served by the courts in which is from time to time judge, the same continues of conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of his office, or rights as similar there to as changed circumstances may permit, as that person was entitled to immediately before the appointed day.

(3) Nothing in this Act shall be construed as enabling the rights and liabilities of any person with respect to the family person funds vested in Commissioner's under section two hundred and seventy-three of the Government of India Act, 1935, to be governed otherwise than by Orders in Council made (whether before or after the passing of this Act or the appointed day) by His Majesty in Council and the rules made by His Majesty in Council and rules made (whether before or after the passing of this Act or the appointed day) by a Secretary of State of such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946.

11.—(1) The orders to be made by the Governor-General under the preceding provision of this Act shall make provision for the divisions of the Indian armed forces of His Majesty between the new dominions, and for the command and governance of those forces until the division is completed.

(2) as from the appointed day, while any number of His Majesty's forces, other than His Majesty's Indian forces, is attached to or serving with any of His Majesty Indian forces-

(a) He shall, subject to any provision to the country made by a law of the Legislature of the Dominion or Dominions concerned or by any other of the Governor-General under the preceding provisions of this Act, have, in relation to the Indian forces in question, the powers of command and punishment appropriate to his rank and functions; but

(b) nothing in any enactment in forces at the date of the passing of this Act shall render his subject in any way to the law governing the Indian forces in questions.

12.—(1) Nothing in this Act affects the jurisdiction or authority of His Majesty's Government United Kingdom, or of the Admiralty, the Army Council, or the Air Council or the any other United Kingdom authority, in relation to any of His Majesty's forces which may, on or after the appointed day, be in either of the new Dominions or elsewhere in the territories which, before appointed day, were included in India, not being Indian forces.

(2) in its application in relation to His Majesty's forces, the Army Act shall have effect on or after the appointed day-

(a) as if His Majesty's Indian forces were not included in the expressions "the forces" His Majesty's" and "the regular forces" and

(b) subject to the further modifications specified in parts I and II of the third Schedule to this Act.

(3) Subject to the provisions of subsection (2) of this section, and to any provision any law of the Legislature of the Dominion, concerned, all civil authorities in the new Dominion, and, subject as aforesaid and subject also to the provisions of the last preceding section, all service authorities in the new Dominions, shall, in those Dominion and in the other territories which were included in India before the appointed day, perform in relation to His Majesty's Military forces, not being Indian forces, the same functions as were, before the appointed day, performed by them or by the authorities corresponding to them, whether by virtue of the Army Act or otherwise, and the matters for which provision in to be made by order of the Governor-General under the preceding provision of this Act included facilitating of the withdrawal from the new Dominion and other territories aforesaid of His Majesty's military forces not being Indian forces.

(4) The provisions of subsections (2) and (3) of this section shall apply in relation to the air forces of His Majesty, not being Indian forces, as they apply in relation to His Majesty's military forces, subject, however, to the necessary adaptation, and in particular, as if-

(a) for the references to the Army Act there were substituted references to the Air Force Act; and

(b) for the references to Part II of the Third Schedule to this Act there were substituted a reference to Part III of that Schedule.

13.—(1) In the application of the Naval Discipline Act to His Majesty's naval forces, other than Indian naval forces, references to His Majesty's navy and His Majesty's ships shall not as from the appointed day, include, references to His Majesty's Indian navy and the ships thereof.

(2) In the application of the Naval Discipline Act by virtue of any law made in India before the appointed day to India naval forces, refers to His Majesty's navy and His Majesty's ships shall, as from the appointed day, be deemed to be, and to be only, references to His Majesty's Indian navy and the ships thereof.

(3) In section ninety B of the naval Discipline Act (which, in certain cases, subjects officers and men of the Royal Marines to the law and customs of the ships and naval forces to other parts of His Majesty's dominions) the words "or of India" shall be repealed as from the appointed day, wherever those words occur.

#### Provisions as to the Secretary of State and the Auditor of Indian Home Accounts.

14.—(1) A Secretary of State, or such other Minister of the Crown as may be designated in that behalf by order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, is hereby authorised to continue for the time being the performance, on behalf of whatever government or governments may be concerned, of functions as to the making of payments and other matters similar to the functions which, up to the appointed day, the Secretary of State was performing on behalf of Governments constituted or continued under the Government of India Act, 1935.

(2) The functions referred to in subsection (1) of this section include functions as respects the management of, and the making of payments on respect of, government debt, and any the enactments relating to such debt shall have effect accordingly.

Provided that nothing in this subsection shall be construed as continuing in force so much of any enactment as empowers the Secretary of State to contract sterling loans on behalf of any such Government as the aforesaid or as applying to the Government of either of the new Dominions the prohibition imposed on the Governor-General in Council by section three hundred and fifteen of the Government of India Act, 1935, and respects the contracting of sterling loans.

(3) As from the appointed day, there shall not be any such advisors of the Secretary of State as are provided for the section two hundred and

seventy-eight of the Government of India Act, 1935, and that section, and any provisions of that Act of his advisers are hereby repealed as from that day.

(4) The Auditor of Indian Home Accounts is hereby authorised to continue for the time being to exercise his functions as respects the accounts of the Secretary of State or any such other Minister of the Crown as in mentioned in subsection (1) of this section, both in respect of activities before, and in respect of activities after, the appointed day, in the same manner, as nearly as may be as he would have done if this act had not passed.

#### **Legal proceedings by and against the Secretary of State.**

15.—(1) Notwithstanding anything in this Act, and, in particular, notwithstanding any of the provisions of the last preceding section, any provision of any enactment which, but for the passing of this Act, would authorise legal proceedings to be taken, in India or elsewhere, by or against the Secretary of State in respect of any right or liability of India or any part of India shall cease to have effect on the appointed day, and any legal proceedings pending by virtue of any such provision on the appointed day shall, by virtue of this act, abate on the appointed day, so far as the Secretary of State is concerned.

(2) Subject to the provision of this subsection any legal proceedings which, but for the passing of this Act, could have been brought by or against the Secretary of State in respect of any right or liability of India, or any part of India, shall instead be brought:—

(a) in the case of proceedings in the United kingdom, by or against the High commissioner:

(b) in the case of other proceedings, by or against such person as may be designated by order of the Governor-General under the preceding provisions of this Act or otherwise by the law of the new Dominion concerned, and any legal proceedings by or against the Secretary of State in respect of any such right or liability as aforesaid which are pending immediately before the appointing day shall be continued by or against the High Commissioner or, as the case may be, the person designated as

aforesaid:

Provided that, at any time after the appointed day, the right conferred by this subsection to bring or continue proceedings may, whether the proceedings are by, or are against, the High commissioner or person designated as aforesaid, be withdrawn by a law of the legislature of

either of the new Dominions so far as that Dominion is concerned, and any such law operated as respects proceedings pending at the date of the passing of the law.

(3) In this section, the expression "the High Commissioner means, in relation to each of the new Dominions, any such officer as may for the time being be authorised to perform in the United kingdom, in relation to that Dominion, functions similar to those performed before the appointed day, in relation to the Governor-General in Council, by the High Commissioner referred to in section three hundred and two of the Government of India Act, 1935; and any legal proceedings of an immediately before the appointed day are the subject of an appeal to His Majesty in Council, or of a petition for the special leave to appeal to His Majesty in Council, shall be treated for the purposes of this sections as legal proceedings pending in the United Kingdom.

16.—(1) Subsections (2) to (4) of section two hundred and eighty-eight of the Government of India Act, 1935 which confer on His Majesty were to make Order in Council provision for the government of Aden shall cease to have effect and the British Settlements Acts, 1887 and 1945, (which authorise His Majesty to make laws and establish institutions for British Settlements as defined in those Acts) shall apply in relation to Aden as if it were a British Settlement as so defined.

(2) Notwithstanding the repeal of the said subsections (2) to (4) Orders in Council in force there under at the date of the passing of this Act shall continue in force, but the said Orders in Council, and other orders in Council made under the Government of India Act 1935, in so far as they apply to Aden, and any enactments applied to Aden or amended in relation to Aden, and any enactments applied to Aden or amended in relation of Aden by any such Orders in Council as aforesaid, may be repealed, revoked or amended under the powers of the British Settlements Acts, 1887 and 1945.

(3) Unless and until provision to the contrary is made as respects Aden under the powers of the British Settlements Acts, 1887 and 1945, or, as respects the new Dominion in question by a law of the Legislature of that Dominion, the provisions of the said Orders in Council and enactments relating to appeals from any courts in Aden to any courts which will, after the appointed day, be in either of the new Dominions, shall continue in force in their application both to Aden and to the Dominion in question, and the last mentioned courts shall exercise their jurisdiction accordingly.

17.—(1) No court in either of the new Dominions shall, by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have

jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the parliament of the United Kingdom or by any law of the Legislature of the new Dominion concerned, all courts in the new Dominions shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(2) Any rules made on or after the appointed day under subsection (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in either of the new Dominions shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of the Dominion concerned, and so much of the said subsection and of any rules in force thereunder immediately before the appointed day as require the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect,

(3) The reference in subsection (1) of this section to Proceeding for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section eight of the Matrimonial Causes Act, 1937.

(4) Nothing in this section affects any court outside the new Dominions, and the power conferred by section two of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of His Majesty's dominions as they apply to India shall be deemed to power to apply those provisions as they would have applied to India if this Act had not passed.

#### Provisions as to existing laws, etc.

18.—(1) In so far as any Act of Parliament, Order in Council, order, rule, regulation or other instrument passed or made before the appointed day operates otherwise than as part of the law of British India or the new Dominions, references therein to India or British India, however worded and whether by name or not, shall, in so far as the context permits and except so far as Parliament may hereafter otherwise provide, be construed as, or as including, references to the new Dominions, according as the circumstances and subject matter may require:

Provided that nothing in this subsection shall be construed as continuing in operation any provision in so far as the continuance thereof as adapted by this subsection is inconsistent with any of the provision of this Act other than this section.

(2) Subject to the provision of subsection (1) of this section and to any other express provision of this Act, the order in Council made under subsection (5) of section three hundred and eleven of the Government of India Act, 1935, for adapting and modifying Act of Parliament shall, except so far as Parliament may thereafter otherwise provide, continue in force in relation to all Acts in so far as they operate otherwise than as part of the law of British India or the new Dominions.

(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day shall, so far as applicable and with the necessary adaptations, continue as the law of each of the new Dominion and the several parts thereof until other provision is made by laws of the Legislature of the Dominion in question or by any other Legislature or other authority having power in that behalf.

(4) It is hereby declared that the Instruments if Instructions issued before the passing of this Act by His Majesty to the Governor-General and the Governors of Provinces lapse as from the appointed day, and nothing in this Act shall be construed as continuing in force any provision of the Government of India Act, 1935, relating to such Instruments of

(5) As from the appointed day, so much of any enactment as requires the approval of His Majesty in Council to any rules of Court shall not apply to any court in either of the new Dominions.

19.—(1) Reference in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed:-

(a) where the order or other act concerns one only of the now Dominions, as references to the Governor-General of that Dominion.

(b) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those Dominions, as references to that person; and

(c) in any other case, as references to the Governor-General of the new Dominions, acting jointly.

(2) References in this Act to the Governor-General shall, in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General in Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly, of a Dominion shall be construed as references :-

(a) in relation to India, to the Constituent Assembly, the first sitting whereof was held on the ninth day of December, nineteen hundred and forty-six, modified:-

(i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan; and

(ii) should it appear that the north-West Frontier Province will form Part of Pakistan, by the exclusion of the members representing that province; and

(iii) by the inclusion of members representing West Bengal and East Punjab; and

(iv) should it appear that, on the appointed day a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of the members therefore representing the Province of Assam and the inclusion of members chosen to represent remainder of that Province ;

(b) in relation to Pakistan, to the Assembly set up or about to be set up at the date of the passing of this Act under the authority of the Governor-General as the Constituent Assembly for Pakistan;

Provided that nothing in this subsection shall be construed as affecting the extent to which representatives of the Indian States take part in either of the said Assemblies, or as preventing the filling of casual vacancies in the said assemblies, or as preventing the participation in either of the said Assemblies, in accordance with such arrangements as may be made in that behalf, of representatives of the tribal areas on the borders of the Dominion for which that Assembly sits, and the powers

of the said Assemblies shall extend and be deemed always to have extended to the making of provision for the matters specified in this proviso.

(4) In this act, except so far as the context otherwise requires :- Reference to the Government of India Act, 1935, include references to any enactments amending or supplementing that Act, and, in particular, references to the India (Central Government and Legislature) Act, 1946;

“India”, where the reference is to a state of affairs existing before the appointed day or which would have existed but for the passing of this Act, has the meaning assigned to it by section three hundred and eleven of the Government of India Act, 1935.

“Indian forces” includes all His Majesty's Indian forces existing before the appointed day and also any forces of either of the new Dominions :

“pension” means, in relation to any person, a pension whether contributory or not, of any kind whatsoever payable to or in respect of that person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund;

“Province” means a Governor's Province, “remuneration” includes leave pay, allowances and the cost of any privileges or facilities provided in kind.

(5) Any power conferred by this Act to make any order includes power to revoke or vary any order previously made in the exercise of that power.

**Short Title.**

20. This Act may be cited as the Indian Independence Act, 1947.

**SCHEDULES**

**First Schedule**

BENGAL DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF EAST BENGAL.

In the Chittagong Division, the districts of Chittagong, Naokhali and Tippera.

In the Dacca Division the Districts of Bakargani, Dacca, Faridpur and Mymensingh.

In the Presidency Division, the districts of Jessor, Murshidabad and Nadia.

In the Rajshahi Division, the districts of Bogra, Dinajpur, Malda, Pabna, Rajshahi and Rangpur.

#### Second Schedule

#### DISTRICTS PROVISIONALLY INCLUDED IN THE NEW PROVINCE OF WEST PUNJAB.

In the Lahore Division, the districts of Gujranwala, Gurdaspur, Lahore, Sheikhupura and Sialkot.

In the Rawalpindi Division, the districts of Attock, Gujarat, Jhelum, Mianwali Rawalpindi and Shahpur.

In the Multan Division, the districts of Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan and Muzsafargarh.

#### Third Schedule

#### MODIFICATIONS OF ARMY ACT AND AIR FORCE ACT IN RELATION TO BRITISH FORCES

#### Part 1 - MODIFICATION OF ARMY ACT APPLICABLE ALSO TO AIR FORCE ACT.

1. The proviso to section forty-one (which limits the jurisdiction of courts martial) shall not apply to offences committed in either of the new dominions or in any of the other territories which were included in India before the appointed day.

2. In section forty-three (which relates to complaints), the words "with the approval of the Governor-General of India in Council" shall be omitted.

3. In subsections (8) and (9) of section fifty-four (which amongst other, things require certain sentences to be confirmed by the Governor-General, in council) the words "India or the word" by the Governor-General as the case may be, and words "in India by the Governor-General or if he has been tried" shall be omitted.

4. In subsection (3) of section seventy-three (which provides for the nomination of officers with power to dispense with courts martial for desertion and fraudulent enlistment) the words "with the approval of the Governor-General" shall be omitted.

5. The powers conferred by subsection (5) of section one hundred and thirty (which provides for the removal of insane persons) shall not be exercise except with the consent of the officers commanding the forces in the new Dominions.

6. In subsection (2) of section one hundred and thirty-two (which relates to rules regulating service prisons and detention barracks) the words "and in India for the Governor-General" and the

words "Governor-General" shall be omitted except as respects rules made before the appointed day.

7. In the cases specified in subsection (1) of section one hundred and thirty-four, inquests shall be held in all cases in accordance with the provisions of subsection (3) of that section.

8. In section one hundred and thirty-six (which relates to deductions from pay,) in subsection (1) the words "India or" and the words "being in the case of India a law of the Indian legislature", and the whole of subsection (2) shall be omitted.

9. In paragraph (4) of section one hundred and thirty-seven (which relates to penal stoppages from the ordinary pay of officers), the words "or in the case of officers serving in India the Governor-General" the words "India or" and the words "for India or" as the case may be" shall be omitted.

10. In paragraph (12) of section one hundred and seventy five and paragraph (11) of section one hundred and seventy-six which apply the Act to certain (members of His Majesty's Indian Forces and to certain other persons) the words "India" shall be omitted wherever it occurs.

11. In subsection (1) of section one hundred and eighty (which provides for the punishment of misconduct by civilians in relation to courts martial) the words "India or" shall be omitted wherever they occur.

12. In the provisions of section one hundred and eighty-three relating to the reduction in rank of non-commissioned officers, the words "with the approval of the Governor-General" shall be omitted in both places where they occur.

#### Part II - MODIFICATIONS OF ARMY ACT

Section 184B (which regulates relations with the Indian Air Force) shall be omitted.

#### Part III - MODIFICATIONS OF AIR FORCE ACT

1. In section 179D (which relates to the attachment of officers and airmen to Indian and Burma Air Forces), the words "by the Air Council and the Governor-General of India or, as the case may be", and the words "India or" wherever those words occur, shall be omitted.

2. In section 184B (which regulates relations with Indian and Burma Air Force) the words "India or" and the words "by the Air Council and Governor-General of India or, as the case may be", shall be omitted.

3. Sub- paragraph (e) of paragraph (4) of section one hundred and ninety (which provides that officers of His Majesty's Indian Air Force are to be officers within the meaning of the Act) shall be omitted.

8. Crown Representative Lord Louis Mountbatten's Address to a special Full Meeting of the Chamber of Princes on July 25 1947

It is a great pleasure and a great privilege for me to address so many Rulers, Dewans and Representative of the States of India in this historic Chamber of Princes. It is the first and the last occasion that I have the privilege of addressing you as Crown Representative.

I would like to begin by giving you a very brief history of the negotiations I had conducted since I have been out here and the line that I have taken up about the States.

There were two distinct problems that faced me. The first how to transfer power to British India and the second, how to fit Indian States into the picture in a manner which would be fair and just to all concerned.

I dealt first with the problem of British India, because you will realize that until that problem was solved it was quite useless to try to start on a solution of a problem of the States. So I addressed my mind to the former.

There had been universal acceptance among the States of the Cabinet Mission's Memorandum of 12 May and when the political parties the Statement of 3 June they fully realized and accepted the withdrawal of paramountcy would enable the States to regain complete sovereignty. That gave me a starting point from which to try and deal fairly with the States. But before I got down to dealing with the States there was one other thing that I clearly had to do. I had to address myself to the problem of mechanics of partition - a plan against my personal desires. As you know, it took three years to separate Burma from India, in spite of the fact (as I can testify, as also His Highness of Bundi and others who fought in Burma) that there are no roads running between India and Burma. Nevertheless, it took three years to arrange that partition. It took two years to separate the province of Sindh from Bombay. It took two years to separate the

province of Orissa from Bihar. Gentlemen, we decided that in less than two and a half months we shall have to go through the partitioning of one of the biggest countries in the world with 400 million inhabitants.

There was a reason for the speed. It was quite certain that while the British overlordship remained no satisfactory conclusion could be reached psychologically between the parties. So once we got the two governments set up and separated, they would be able to try and finish off the details in an atmosphere of goodwill.

Now, the Indian Independence Act releases the States from all their obligations to the Crown. The States will have complete freedom, technically and legally they become independent. Presently I will discuss the degree of independence which we ourselves feel is best in the interests of your own States. But there has grown up during the British administration, owing to the fact the that the Crown Representative and the Viceroy are one and the same person, a system of coordinated administration on all matters common concern which meant that the subcontinent of India acted as an economic entity. That link is now to be broken. If nothing can be put in its place, only chaos can result, and that chaos, I submit, will hurt the State's first -that bigger the State the less the hurt and the longer it will take to feel it, but even the biggest of the States will feel the hurt just the same as any small States.

The first step was to set up some machinery by which it was possible to put the two future governments of India - the Dominions of India and Pakistan into direct touch with the States. So I conceived the scheme of setting up two States Department within the future governments. Please note that these states departments are not successors of the Political Department. They have been set up simultaneously and side by side. While the Political Department exercised functions relating to paramountcy on behalf of the Crown Representative, the States Departments are to take over those subjects gradually which have nothing to do with paramountcy but which will be concerned with relations with neighbouring States and also provide the machinery to negotiate in such matters. In India the States Department is under the admirable guidance of Sardar Vallabhbhai Patel with my own Reforms Commissioner, Mr. V. P. Menon, as Secretary. In Pakistan the Department is under Sardar Abdur Rab Nishtar with Mr. Ikramuullah as the Secretary.

It was necessary to set up two States Departments, one in each government; because the States are theoretically free to link their future with whichever Dominion they may care. But when I say that they are at liberty to link up with either of the Dominions, may I point out that there are certain geographical compulsions which cannot be evaded. Out of something like 565 States, the vast majority are irretrievably linked geographically with the Dominion of India. The problem therefore is of far greater magnitude of the Dominion of India than it is with Pakistan. In the case of Pakistan the States, although important, are not so numerous, and Mr. Jinnah, the future Governor-General of Pakistan, is prepared to negotiate the case of each State separately and individually. But in the case of India where the overwhelming majority of the States are involved, clearly separate negotiation with each State is out of the question.

The first step that I took was to suggest that in the Bill before Parliament-the Indian Independence Act - a clause should be put which would enable certain essential agreement to continue until renounced by either side. That was only done to ensure that there should be some continuity if in the short time available it was not possible to get the agreement through with every State Representative. It does not replace the need for Standstill Agreements; it gives a very slight breathing space.

Now, I think it is no exaggeration to say that most Rulers and Dewans were apprehensive as to what their future would be when Paramountcy lapsed. At one time it appeared that unless they joined the Constituent Assembly and accepted the Constitution when it was framed, they would be outside the organization and left in a position which, I submit, no State could view with equanimity-left out and having no satisfactory relations or contacts with either Dominion Government. You can imagine how relieved I was, and I am sure you will yourselves have been equally relieved, when Sardar Vallabhai Patel on taking over the States Department made, if I may say so, a most statesmanlike statement of what he considered were the essentials towards the agreement between the states and Dominion of India.

Let us turn for one moment to the Cabinet Mission Plan of 16 May 1946. In this Plan the proposal was that the States should surrender to the Central Government three subjects-Defence, External Affairs and Communications. That was a plan which, to the best of my belief, every Ruler and every State accepted as reasonable, fair and just. I talked with so many Rulers and everyone felt that Defence was a

matter that a State could not conduct for itself. I am not talking of internal security but of defence against external aggression. I submit if you do not link up with one or the other of the Dominions, you may be cut off from any sources of supplies or up to date arms or weapons.

"External Affairs" is inextricably linked up with Defence. "External Affairs" is something again which is outside the boundaries of India in which not even the greatest State can operate effectively. You can hardly want to go to the expense of having ambassadors or ministers or consuls in all foreign countries; surely you want to be able to use those of India or Pakistan. Once more I suggest that "External Affairs" is something that you have not dealt with since the formation of the East India Company. It would be difficult to operate and will also be a source of embarrassment for you to have to take it up and it can only be managed by those who manage the Defence of the country. I submit that if you take it up it will be a liability and not an asset.

The third subject is Communications. "Communications" is really a means of maintaining the life-blood of the whole subcontinent. I imagine everybody agrees that the life of the country has got to go on. The continuity of communications is already provided for to a certain extent in the Indian Independence Act; and most of the representatives here have come to discuss it as item 2 on the agenda.

Therefore I am sure you will agree that these three subjects have got to be handled for you for your convenience and advantage by a larger organization. This seems so obvious that I was at a loss to understand why some Rulers were reluctant to accept the position.

One explanation probably was that some of you were apprehensive that the Central Government would attempt to impose a financial liability on the States or encroach in other ways on their sovereignty. If I am right in this assumption, at any rate so far as some Princes are concerned, I think I can dispel their apprehensions and misgivings. The Draft Instrument of Accession which I have caused to be circulated as a basis for discussion (and not for publication) to the representatives of the States provided that the States accede to the appropriate Dominion on the three subjects only without any financial liability. Further, that Instrument contains an explicit provision that in no other matter has the Central Government any authority to encroach on the internal autonomy or the sovereignty of the States. This would

in my view, be a tremendous achievement for the States. But I must make it clear that I have still to persuade the Government of India to accept it. If all of you will co-operate with me and are ready to accede, I am confident that I can succeed in my efforts. Remember that the day of the transfer of power is very close at hand and, if you are prepared to come, you must come before 15 August. I have no doubt that this is in the best interests of the States, and every wise Ruler and wise Government would desire to link up with the great Dominion of India on a basis which leaves you great internal autonomy and which at the same time gets rid of your worries and cares over External Affairs, Defence and Communications.

The whole country is passing through a critical period. I am not asking any State to make any intolerable sacrifice of either its internal autonomy or independence. My scheme leaves you with all the practical independence that you can possibly use and makes you free of all those subjects which you cannot possibly manage on your own. You cannot run away from the Dominion Government which is your neighbour any more than you can run away from the subjects for whose welfare you are responsible. Whatever may be your decision, I hope you feel that I have at least done my duty by the States.

## 9. Minutes of meeting on Boundary Commission award

Minutes of a meeting held at Government House, New Delhi, 16 August 1947, to receive the awards of the Boundary Commissions which demarcated the boundaries between India and Pakistan in Bengal and the Punjab.

[IOR: L/P&J/10/117]

The Indian leaders present at this meeting to consider the awards of the Boundary Commissions were severely critical of the awards. The Chittagong Hill Tracts in particular were hotly disputed. These had a large Hindu majority and Nehru consequently argued for them to become part of India. However, the Tracts were regarded as having an intimate physical and economic association with East Bengal and no proper communication links with Assam, thus Sir Radcliffe awarded them to Pakistan. The Punjab was another area of dispute.

Sikhs made up a large proportion of the population in this area and had important historical and religious associations with it. Tara Singh, a leader of the Sikhs, demanded a separate Sikh state if partition was to go ahead. This came to nothing and the Punjab was divided on the basis of majority areas of Muslims and non-Muslims as well as other factors like administrative viability, natural boundaries, and communication, water and irrigation systems. Sikhs migrated into the Indian Punjab where the claim for a separate Sikh state was to be renewed immediately after partition.

Confidential

### **The Awards of the Boundary Commissions**

Minutes of a meeting held at Government House, New Delhi at 5 p.m. on Saturday, 16th August.

Present

Viscount Mountbatten of Burma - Governor-General, India. Pandit Jawaharlal Nehru - Prime Minister, India. Mr. Liaquat Ali Khan - Prime Minister, Pakistan. Sardar Vallabhbhai Patel - Home Minister, India. Mr. Fazlur Rahman - Minister of the Interior, Pakistan. Sardar Baldev Singh - Defence Minister, India. Mr. Mohammed Ali - Cabinet Secretary, Pakistan. Rao Bahadur V.P. Menon - Secretary of the States Department, India. Lt. Col. V.F. Erakine-Crum - Conference Secretary to the Governor-General of India.

1. The meeting considered the awards of the Boundary Commissions, copies of which had been given to the Ministers after the Joint Defence Council meeting that morning.

Bengal

2. Pandit Nehru said that he had never considered that the allocation of the Chittagong Hill Tracts to East Bengal was possible under the terms of reference of the Boundary Commission. Eminent lawyers had confirmed this point of view. These Tracts were an excluded area, and were not represented in the Bengal Council. He and his colleagues had given assurances to petty chiefs from the Chittagong Hill Tracts who had come to see them, that there was no question of the territory being included in Pakistan. The population of the Chittagong Hill Tracts, though small (approximately  $\frac{1}{4}$  million) was 97% Buddhist and Hindu. There was not the least doubt that the people themselves would prefer to form part of India. On religious and cultural grounds, the Chittagong Hill Tracts should form part of India. Sir Cyril Radcliffe had had no business to touch them.

3. The Governor-General explained the reasons why Sir Cyril Radcliffe had included the Chittagong Hill Tracts in East Bengal. He emphasised

particularly the economic ties which bound Chittagong District and the Hill Tracts together. He stressed the importance to Chittagong Port of the proper supervision of the Kannaphuli Ariver, which ran through the Hill Tracts.

4. Mr. Fazlur Rahman gave his opinion that the Chittagong Hill Tracts could not exist if separated from Chittagong District. In his view, the allocation of these Tracts to East Bengal was unquestionably permissible under the terms of reference. In fact the "contiguity" clause of the terms of reference would not have permitted their allocation to West Bengal.

5. The Governor-General said that it had been Sir Frederick Burrow's view that the whole economy of the Chittagong Hill Tract would be upset if they were not left with East Bengal. However, he had confirmed that Sir Frederick had not expressed any view on this matter to Sir Cyril Radcliffe, so he could not be said to have influenced the decision.

6. The Governor-General suggested the possibility of a compromise whereby the upper waters of the Karnaphuli would be protected through the allocation of a strip of territory on either side of the river to East Bengal, while the administration of the rest of the Hill Tracts would be undertaken by India.

7. This was not considered a satisfactory solution by either party. Pandit Nehru's view was that India should undertake the administration of the whole territory; a strip on either side of the river allocated to Pakistan would cut the territory in two. If the Chittagong Hill Tracts were given to India, an agreement between the two Dominion Governments, whereby Pakistan would obtain all desired facilities, could well be made.

8. Mr. Liaquat Ali Khan said that he could not consider any suggestion of an adjustment in this territory alone. The awards of both Commissions must be looked at as a whole. If this was done, it would be found that Sir Cyril Radcliffe had completely ignored the fundamental basis of his terms of reference. Moreover, the Chittagong Hill Tracts were the only source of hydro-electric power in East Bengal.

9. The Governor-General then suggested that the two Governments might agree on an exchange of territory, whereby the Chittagong Hill Tracts would go to India and some predominantly Muslim area which had been allotted by the Commission to India would go to Pakistan.

10. Mr. Liaquat Ali Khan emphasised that the awards of the Commissions, taken as a whole, had been so unfavourable to Pakistan, that he could not consider any minor modification only, such as had been suggested.

11. Mr. Fazlur-Rahman protested strongly against the allocation of the Districts of Darjeeling and Jalpaiguri to India. In his view, Sir Cyril Radcliffe had violated the basic principle of his terms of reference in making this decision.

### Punjab

12. Pandit Nehru said that he considered that the award of the Boundary Commission in the Punjab was likely to have a bad effect among the Sikhs, who presented a particularly difficult problem.

13. Sardar Baldev Singh also considered that the reaction to the award would be very unfavourable on the Sikh mind.

14. Mr. Liaquat Ali Khan said that it would have a similarly unfavourable reaction among the Muslims. He emphasized that he, as Prime Minister of Pakistan, considered it his duty to stand up for the rights of the Sikhs in West Punjab as much as the India leaders stood up for their rights in East Punjab. He emphasized that complete religious freedom would be allowed.

15. Sardar Patel's view was that the only solution to the Punjab award was a transfer of population on a large scale.

16. The Governor-General said that he had spoken to Mr. Jinnah about Nankana Sahib. Mr. Jinnah had stated that he had it in mind to give the Sikhs any religious assurances that were required in connection with their Gurdwara there. The Governor-General suggested that a specific statement on Nankana Sahib might be made by the Pakistan Government at the same time as the issue of the Boundary Commission award.

17. Mr. Liaquat Ali Khan said that he understood that it was Sir Francis Mudie's view that the Punjab Boundary Force should be separated and be put under the control of the two Governments rather than under joint control. It was agreed that this suggestion should be considered at the meeting at Ambala the following day.

18. Pandit Nehru suggested that he and Mr. Liaquat Ali Khan should also visit Lahore and Amritsar the following day, and this was agreed.

19. Pandit Nehru said that he had received particularly alarming reports from Lahore, where many hundreds of Sikhs and Hindus were gathered together in relief camps without proper protection and without rations. Mr. Liaquat Ali Khan undertook to get in touch with the Prime Minister of West Punjab and ask him to ensure that full measures were taken for the protection of refugees. He further suggested that the Punjab Boundary Force should be asked to assist in the evacuation of refugees.

### **The Publication of the Awards**

20. Mr. Liaquat Ali Khan said that he was opposed to any suggestion that adjustments between representative of the two Governments should be made at the present meeting. He considered that the awards of the Boundary Commission should be published as they stood.

21. The Governor-General suggested that in the communiqué stating that the awards had been considered by the Prime Ministers, it might be stated that they had come to the conclusion that there were certain unsatisfactory features which they proposed to take up forthwith on a governmental level. Mr. Liaquat Ali Khan was opposed to this suggestion. He considered, and it was agreed, that the communiqué should only make mention of the fact of the meeting, and not draw attention to any dissatisfaction, nor to any proposals for the transfer of population.

22. Pandit Nehru finally emphasized that he and his colleagues felt themselves to be in a moral impasse about the Chittagong Hill Tracts, because, throughout the previous two or three months, they had given countless assurances to the representatives of that territory that it could not be included in Pakistan. Furthermore, this action had been taken after consultation with lawyers.

23. It was agreed that the Governor-General should issue the awards in the form of a Gazette Extraordinary the following day, and that copies of the awards should be sent immediately to the Governors of East and West Bengal and East and West Punjab.

24. It was further agreed that a draft communiqué handed round at the meeting should be issued that night, subject to certain amendments which were made. Visit of Minister of one dominion to the other dominion.



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*Map of Jammu and Kashmir showing present divide*

## ادارہ نیکس کی مطبوعات

نمبر شمار	نام کتاب	ریت کے گردندے (افانے)	مصنف
1	رسوی بستی (آپ بنتی)	رسوی بستی (آپ بنتی)	مقبول صین
2	سریگر جیل سے فرار کی کہانی	سریگر جیل سے فرار کی کہانی	اشیان صین
3	الاتائیون (جلد سوم)	الاتائیون (جلد سوم)	مقبول بٹ شہید
4	مسئلہ کشمیر، قانونی و آئینی خیشیت	مسئلہ کشمیر، قانونی و آئینی خیشیت	عبدالحق انصاری ایڈو و کٹ
5	یادوں کی سوغات (سوانح)	یادوں کی سوغات (سوانح)	جس عباد الجید ملک
6	پیغمبر کی تلاش (کہانی)	پیغمبر کی تلاش (کہانی)	چوہدری محمد صادق
7	رسہت بہت کٹھن ہے (شاعری)	رسہت بہت کٹھن ہے (شاعری)	چہاگیر احمد
8	پھر فصل بہاراں آئے گی (شاعری)	پھر فصل بہاراں آئے گی (شاعری)	ڈاکٹر زاہدہ قاسم
9	گلگت بلستان اور کشمیر	گلگت بلستان اور کشمیر	ڈاکٹر شمسے چوہدری
10	کشمیر تاریخ کے آئینے میں	کشمیر تاریخ کے آئینے میں	پروفیسر ام۔ اے۔ خان
11	نقش علیشان (سوانح)	نقش علیشان (سوانح)	چوہدری علیشان
12	منگل قلعہ کی تاریخ	منگل قلعہ کی تاریخ	لہر اسپ بخرا
13	حضرت پیرے شاہ عازی قلندر (سوانح)	حضرت پیرے شاہ عازی قلندر (سوانح)	ڈاکٹر شمسے چوہدری
14	کشمیر اور قبائل حملہ	کشمیر اور قبائل حملہ	ڈاکٹر جوہری شجاع
15	کلیسا میں اذان	کلیسا میں اذان	خوبی مولیف
16	مطیاں سے انگستان تک	مطیاں سے انگستان تک	غلام مرتضی تشبندی
17	ہستائیت ہے	ہستائیت ہے	امان اللہ خان
18	Ideology of an Independent Kashmir	Ideology of an Independent Kashmir	ڈاکٹر شمسے چوہدری
19	The bitter facts about Kashmir dispute	The bitter facts about Kashmir dispute	ڈاکٹر شمسے چوہدری
20	Kashmir and the Partition of India	Kashmir and the Partition of India	قریمان ، نیسم افتخار
21	Galliformes of AJK	Galliformes of AJK	Prof. M.A Khan
22	Kashmir-Emerging Concept of Sovereign State	Kashmir-Emerging Concept of Sovereign State	
23	سرت حجہ مصطفیٰ مصطفیٰ	سرت حجہ مصطفیٰ مصطفیٰ	پروفیسر ڈاکٹر محمد عارف خان
24	علوم القرآن - مطالعہ قرآن کا ضابطہ	علوم القرآن - مطالعہ قرآن کا ضابطہ	پروفیسر ڈاکٹر محمد عارف خان
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**"Kashmir and The Partition of India"**, a research work accomplished by Dr. Shabir Choudhry deserves my rich tribute; and appreciation for Dr. Michel J Lelohe, Chairman of History and Politics, and Mr. J. Price for their assistance to the writer. This was, of course, an uphill task and voluminous hard work.

The State of Jammu and Kashmir, with its present boundaries, was founded by Maharaja Ghulab Singh. Initially, he had secured the principality of Jammu as a *Jagir* from Maharaja Ranjit Singh, in 1820. It was obtained in recognition of his loyal services and was authorized to rule over the territory as a Raja. After the death of Ranjit Singh in 1839 and the Anglo Sikh War, the East India Company concluded a treaty with Ghulab Singh at Amritsar, on 16 March, 1846. It is known as the Treaty of Amritsar. Kashmir was thus sold to Ghulab Singh for Rs. 75 lacs.

I am pleased to see how the author has systematically dealt with the ins and outs of this slender vine problem with his steady oak and brought into the limelight, all the Indo-Pak partition issues.

Thank you.

Dr. Yousaf Bokhari,

Ex-chairman, Kashmiriyat Department, Punjab University, Lahore

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